



Submission to the Development of the Traveller Accommodation  
Programme

2019-2024

Submitted by Irish Traveller Movement

October 2018

### **Background**

Established in 1990 the Irish Traveller Movement (ITM) is the national membership network of organisations and individuals working with the Traveller community comprising over forty groups. It is a partnership between Travellers and settled people committed to seeking full equality for Travellers in Irish society. This partnership is reflected in all its structures. A core principle is to challenge the racism that Travellers face within Irish society.

The Irish Traveller Movement welcome this opportunity to make a submission on the development of the new fifth round of the Traveller Accommodation Programmes (TAPs) the ITM and put forward key issues and recommendations, which we hope will guide the preparation and implementation of your Traveller Accommodation Programme as laid down within the Housing (Traveller Accommodation) Act 1998.

Both the DHPLG and the National Traveller Accommodation Consultative Committee (NTACC) recognise the role of local Traveller representative organisations as key players in supporting the new TAP.

### **Role in relation to Traveller accommodation**

The Irish Traveller Movement is the key lead nationally working in the area of Traveller accommodation and employs two National Traveller Accommodation Officers. These posts are funded by the Department of Housing Planning Local Government. (DHPLG)

ITM works collectively to represent the views of Travellers and Traveller organisations at a national and international level. We develop policies, actions and innovative programmes to bring about change for Travellers in Ireland. We work to challenge the inequalities faced by Travellers by promoting Traveller participation and leadership locally and nationally, by developing and sharing best practice, developing evidence-based research to inform our work and building strategic alliances with all who are committed to a fairer Irish Society National Planning Framework Ireland 2040.

### **Our Vision**

“An Ireland where Travellers are proud of their identity and with their ethnicity recognised, can achieve their fullest potential to play an active role in Irish society”

### **Approach**

We work to achieve equality for Travellers in all aspects of their lives.

We will promote pride in Traveller culture & identity, within the community and to non-Travellers.

We will ensure that our members are actively involved in and lead our work.

We will produce evidence based solutions to address the issues affecting Traveller’s lives to positively impact on policies and laws that affect Travellers, especially in the National Traveller. Roma Inclusion Strategy (NTRIS) 2017-2021

We will develop innovative models to meet Travellers’ needs to achieve equality in Irish Society.

We will sustain, grow and build a dynamic organisation to carry out all aspects of the Strategic plan.

### **National legislation Context**

The Housing (Traveller Accommodation) Act, 1998, mandates all Local Authorities to deliver culturally appropriate accommodation in all its forms, including: halting sites, group housing schemes, standard houses and transient accommodation in the Republic of Ireland to Travellers. Another mandatory requirement was the establishment of Local Traveller Accommodation Consultative Committees in each Local Authority area to advise on the provision and management of accommodation for Travellers, seen as positive step towards fully addressing and improving accommodation of Travellers local and nationally and also offered an opportunity for Travellers and Traveller organisations to become directly involved in discussion with Local Authorities and elected representatives on accommodation

*17 years and four National Traveller Accommodation Programmes later, the key question to be asked is what has changed for Travellers.*

There is crisis in accommodation nationally for Travellers and especially for those in need of emergency accommodation.

Travellers continue to live in poor conditions throughout Ireland on road sides, in temporary Halting sites and in overcrowded conditions with health and safety risks. This, despite statutory requirements. Travellers are 11 times more likely to become homeless and 50 times more likely to be discriminated by landlords <sup>(1)</sup> There are 5 times the number of families sharing facilities since legislation to effect - accounting for 4,460 people in overcrowded halting sites and in standard housing. <sup>(2)</sup>

A Government review of Traveller accommodation provision 2000-2016 found consistent local authority underachievement of targets (only 68 % of units provided in that time) and 55 million Euro of allocated budgets unspent. While under delivery on mandatory targets wasn't happening many Travellers families were forced into the private rented sector (162 families in 2002 to 2,387 in 2017) rendering increasing numbers homeless and fuelling the accommodation crisis further. <sup>(2)</sup>

Homelessness is now a common experience for many Traveller families, a particularly fast-growing trend across all local authorities. Local government practice /and the profile of the Traveller community (considering early marriage and new family formation) would indicate that the situation has reached crisis levels.

On the 16<sup>th</sup> May 2016 the **European Committee of Social Rights** found Ireland to be in breach of its obligations in this respect: with regard to provision of accommodation, living conditions and eviction rights. Specifically, the Committee concluded:

1. Unanimously that there is a violation of Article 16 of the Charter on the grounds of insufficient provision of accommodation for Travellers;
2. Unanimously that there is a violation of Article 16 of the Charter on the grounds many Traveller sites are in an inadequate condition;
3. Unanimously that there is a violation of Article 16 of the Charter on the grounds that the Criminal Justice (Public Order) Act 1994 (as amended) provides for inadequate safeguards for Travellers threatened with eviction;
4. Unanimously that there is a violation of Article 16 of the Charter on the grounds that the Housing (Miscellaneous Provisions) Act 1992 (as amended) provides for inadequate safeguards for Travellers threatened with eviction;
5. Unanimously that there is a violation of Article 16 of the Charter on the grounds that evictions are carried out in practice without the necessary safeguards;

### **Consultation Process**

The ITM strongly recommend compliance of the National Traveller Accommodation Consultative Committee (NTACC) guidelines regarding Traveller consultation at local level and on LTACCs, in the preparation and implementation of TAPs and propose a

timeframe to allow for consultation with community and their representative groups, within plans

### **Operation and membership of Local Traveller Accommodation Consultative Committee's (LTACCs)**

The following recommendations are based on the NTACC's Guidelines.

1. LTACCs are to advise the appointing authority in relation to: The provision and management of accommodation for Travellers.
2. Nomination procedures need to be inclusive and transparent and Traveller representatives appointed should be positioned to represent the overall Traveller population in each area. In areas where local Traveller accommodation organisations exist, these groups should nominate their own representatives, where local groups do not exist, national Traveller organisations should be a point of reference to local authorities.
3. The preparation and implementation of any accommodation programme for the functional area of the appointing local authority. The issue of management of Traveller accommodation and discussion of individual accommodation cases, should not feature within the scope of the work of LTACCs.
4. Operation practice: LTACCs should meet a minimum of 4 times a year, as laid out. In accordance with the Housing Traveller Accommodation Act 1998 and NTACC guidelines. The Director of Services should report in person to every meeting of the LTACC.
5. The overall objective of the LTACCs is to ensure Traveller Accommodation Programmes are implemented in full. In order for this to happen LTACCs should embed annual monitoring indicators offset against TAP annual targets and its own work plan. Process, as well as delivery, should be monitored by the LTACC.
6. The LTACC should produce an Annual Report including a summary of activities in the period. Copies of this Report should be given to the appointing Local Authority as well as a copy sent to the National Traveller Accommodation Consultative Committee.
7. The LTACC should formally report to the appointing Local Authority Manager & Director of Services twice a year. The Manager and Director of Services should formally be asked to meet with the LTACC once a year, on completion of the LTACCs Annual Report.
8. LTACCs are crucial to the success of TAPs. In cases where LTACCs are not functioning the national accommodation officer of the ITM are available to assist.

ITM also recommends the following: The position of Chairperson should be reviewed at the end of the second year of appointment; this position should be rotated around members of the LTACC, elected and non. In accordance with best practice work ethics the position of Chair and Vice Chair should not be held by people in the same category of representative roles i.e.: two officials, elected reps or Traveller reps.

Ensure 'Memorandums of understanding' to inform the work practices of LTACC's and ensure an effective and pragmatic approach to working in partnership with positive duty obligations as per Section 42 of the IHREC Act (2014) for members of the LTACC.

**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.

***Noting the recognition of Traveller ethnicity by the Government***

*On the 1<sup>st</sup> of March 2017 Taoiseach Enda Kenny announced formal recognition of Travellers as an Ethnic Minority group within the Irish State. In recognising the Traveller community's cultural rights. That Traveller Specific Accommodation is respected and supported in this new reality within the Housing needs & Traveller Accommodation programmes.*

**Statement of Strategy**

The 5th TAP should be bound by **SMART** principles, **S**pecific, **M**easurable, **A**chievable, **R**elevant and **T**ime bound. This should be stated within the strategy statement and be reflected within the TAP. This can be achieved through setting targets and timeframes for both the delivery of accommodation and for Traveller accommodation service improvements. It has been the experience of the ITM based on the previous TAPs that a number of issues are emerging, such as land stock, land acquisition, CPOs and transfers and maintenance of property and land between urban and rural functional areas. If land acquisition is a barrier to the provision of Traveller specific accommodation in your area, this should be explicitly stated in the Strategy Statement along with proposals to address land shortage issues. For example, proposals or intentions for CPO's and transfers between adjoining urban and rural authorities. Where possible, locations should be named so that the TAP is capable of being implemented. It should also be noted that Local Development Plans should outline the objectives of TAPs as stated in Section 26 & 27 of the Housing (Traveller Accommodation) Act 1998. For your TAP to be realistic and achievable it is important to get the programme right from the start by addressing any issues or obstacles that may be present.

### **Assessment of Needs**

The ITM recommend that local Traveller organisations should be involved in carrying out the assessment of need. In the case where local Traveller organisations have developed their own assessments, the local authority needs to take these in to consideration when compiling figures. The assessment of need must include for: Halting sites, Accommodation for Nomadic families- transient halting sites are relevant to the “annual patterns of movement of Travellers”, so it must take account of nomadic families. The assessment must also take account of present and future needs during the lifetime of the programme.

### **Allocation of Accommodation**

A fair and transparent allocation of accommodation is a key feature of the Traveller Accommodation Programmes. The ITM recommend that all

- local authorities adopt and implement a scheme of letting priorities based on a points system for allocating accommodation to applicants on waiting lists. A points system will bring openness and transparency to the allocation process.
- Housing authorities must not operate separate waiting lists for Traveller applicants to standard housing. The use of dual lists gives rise to concerns of quota systems and ignores the real need that exists for many Traveller families.
- The ITM question the legality of quota clauses in Traveller Accommodation Programmes and recommend that such clauses are not included in TAPs or form any part of Traveller accommodation policy. The ITM are of the view that such clauses are discriminatory against Travellers, as they impose an added requirement on Travellers when seeking accommodation which would not be placed on a member of the settled community. This is contrary to the Equal Status Act 2000 and successfully challenged in Court.
- As part of a scheme of letting priorities to Traveller specific accommodation including Groups Housing and Halting Sites, compatibility with existing tenants of such accommodation should be considered as one of the criteria of the scheme. Furthermore, the ITM recommends that management issues with existing Traveller specific accommodation should not be a reason to delay or postpone the development of new accommodation. ITM is of the view that this would also be contrary to Equal Status legislation.

### **Provision of accommodation for Nomadism Families**

Traveller Nomadism plays a vital role in social, economic and culture way and is part of who and what Travellers are. In 2002, in advance of a general election, Section 24 of the Housing (Miscellaneous Provisions) Act was brought into law making it a legal offense to be on private or public lands.

The then Minister reassured that this legislation would not apply to Traveller families camped on the roadsides. In actuality, when legislation was passed, implementation was swift by some local authorities and many Traveller families

were evicted from public lands and their homes confiscated, rendering them homeless and facing prosecution.

The Housing (Traveller Accommodation Act) 1998 recognised the need for transient sites as one of a range of accommodation options for Traveller families. The Act reflects the recommendations contained in the Report of the Task Force on the Travelling Community 1995, which recommended a network of one thousand units of transient sites throughout Ireland. The Report stated, “transient accommodation should be provided simultaneously with the other types of accommodation”. Currently there are fewer than 50 Transient sites in the republic and almost all are in use for emergency accommodation.

Successive Traveller Accommodation Programmes over 17 years have failed to provide for nomadism and legalisation has curbed a central component of Traveller ethnicity, making it a legal offense.

The Irish Traveller Movement has consistently called for Transient Accommodation to be provided as an integrated part of a National Traveller Programmes, however this has been met with a lack of political will at local and national level.

In practice Travellers are no longer able to travel (be nomadic) for fear of imprisonment, loss of their family home which has affected their social, cultural and economic rights since the introduction of section 24 of the (Housing Traveller Accommodation Act 1998).

Travellers have been forced to accept forms of accommodation more politically acceptable and which have not met their needs as a minority ethnic group.

### **What is Needed Now**

1. We call for Repeal of Section 24 of the Housing (Miscellaneous Provisions) Act 2002 prohibiting nomadism, a core element of Travellers cultural and way of life.
2. We call for the provision of a network of transient halting sites in each local authority area for short stays that would be exempted under Section 4 of the Planning and Development Act 2000.
3. We call for transfer arrangements between Traveller families that are negotiable with the relevant local authorities.
4. The Irish Traveller Movement call for greater supports and assistance for families negotiating their own accommodation on private lands/ sites.

5. We call for the identification of public land for temporary camping purposes for families during different times of the year.

Transient halting sites, as defined in the Housing (Traveller Accommodation) Act 1998 refers to sites for Travellers with limited facilities for use other than their normal place of residence. The 1998 Act places a specific obligation on Local Authorities to provide for the annual patterns of movement of families. This not only requires Local Authorities to refrain from taking measures that would inhibit Nomadism but also places a positive obligation on the Local Authority to provide services to facilitate Nomadism.

- The ITM submits that the local authority has a statutory duty to address the provision of transient sites within TAPs and should be an integral part of a local authority's accommodation plan; It is noted that the United Nations on Ireland's reporting on the International Covenant on Civil and Political Rights recommended, at paragraph 23, *that Ireland enacts amending legislation which would meet the specific accommodation requirements of Travellers*. A positive step towards responding to this recommendation is by putting in place transient type sites which will promote the Nomadic way of life.

The ITM offer their support in working with local authorities in conjunction with the **Traveller Accommodation Unit (TAU)** and NTACC in regard to progressing local accommodations options for nomadic families when required.

### **Traveller Families in Crisis Accommodation.**

There is crisis in accommodation nationally for Travellers, especially for those in need of emergency accommodation. Despite statutory requirements Travellers continue to live in poor conditions throughout Ireland on road sides, in temporary Halting sites and in overcrowded conditions with health and safety risks. Travellers are 11 times more likely to become homeless and 22 times more likely to be discriminated by landlords <sup>(1)</sup> There are 5 times the number of families sharing facilities since legislation to effect - accounting for 4,460 people in overcrowded halting sites and in standard housing.

### **Recommendations**

- We call for Traveller-specific emergency accommodation hubs in each local authority area, in recognition of the high level of discrimination experienced by the Traveller community
- We call for additional facilities for Traveller families sharing and in overcrowded Traveller accommodation, to be brought up to standard requirement in relation to sanitation and facilities.

- We call for a refurbishment programme that will prioritize some of the worst sites and group housing schemes in the country. This refurbishment Programme would bring a significant amount of families into a higher standard of living.
- We call for Traveller accommodation “out of use” in recent years to be reopened and refurbished by local authorities in consultation with the Traveller community.
- Reinstate the Caravan Loan Scheme for Travellers in TAPS 2019-2024
- We call on Local Authority County Managers to use their emergency powers to provide emergency accommodation to families living on roadside encampments pending permanent accommodation.

### **Tenant Participation**

The degree to which Travellers are involved in the development of accommodation options and supported to play a full and meaningful role in the management of such, is central to building and sustaining a successful Traveller Accommodation Strategy. Benefits of tenant participation include the generation of greater ownership within communities, resulting in tenants becoming more involved in the sustainability of their overall living environment; encourages dialogue between the housing authority officials and residents; moves the operational context from complaints to a plan of action based on need and develops an understanding of Traveller issues and builds new relationships between all involved.

### **Fire Safety in Traveller Accommodation**

A fire at a Halting Site on the Glenamuck Road, Carrickmines, Dublin in the early hours of the 10<sup>th</sup> of October 2015 killed 10 people from the same extended family, which included five adults and five children. This tragic loss of life highlighted the critical importance of fire safety in Local Authority Traveller accommodation. This tragedy reminds us all, that fire safety is the responsibility for everyone, Especially the local authority.

Following the review of fire safety in Traveller accommodation by the National Directorate for Fire and Emergency Management NDFEM Sept 2016. The ITM acknowledged the work done at that time to improve fire safety at Traveller specific accommodation, but raised concerns that Travellers were still not safe enough in their accommodation and a priority focus to the issue of overcrowding.

**In 2017 there were 5 times** the number of Traveller families sharing - **accounting for 4,460** people in overcrowded halting sites and in standard housing.

The configuration of temporary and overcrowded sites plays a part in fire access and general safety, the NDFEM report found *The Configuration of Adjacent Units within*

*itches/ bays was determined to be an issue affecting 54% of the sites appraised.* The separation distances between mobile homes in many halting sites is a serious cause of concern. The review undertaken examined only **(57%) of the sites** throughout the country and *of these only 35% had remedial steps undertaken.* Long term issues raised with local authorities and the Department of the Environment relate to barriers erected at halting sites as a potential hazard for fire and emergency services and the report found that *access restrictions were identified at 31% of the sites appraised.*

The Irish Traveller Movement reiterate the importance of progressing the fire safety initiative nationally to its full conclusion in Traveller accommodation with an objective to improve the consultation and implementation process and prioritise incomplete targets and redress overcrowding and separation distances. However, in the case of three sites during the 2016 review, the remedy to the problem by each local authority was to evict the families affected. This should not be used as the solution to a problem largely caused by a lack of provision. The network of local Traveller organisations are willing partners in any safety work planned and a gateway to any process of consultation with families in remedying fire or safety issues.

#### **Budgets**

Each local Authority should provide costing for the full implementation of the Traveller Accommodation programme 2019-2024, this should include Maintenance, Capital projects and any other allocations to support TAPs.

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