



Community Law & Mediation

Submission to the Seanad Public Consultation Committee on Travellers, post ethnic recognition in Ireland

‘Travellers towards a more equitable Ireland post recognition.’

Introduction:

Community Law & Mediation (CLM) is an independent community-based law centre whose mission is to provide people in our communities with expert legal, mediation and education services they would not otherwise have access to and in doing so, to address underlying issues of injustice and exclusion, while working for real change.

We welcome the opportunity to make a submission to the Seanad Public Consultation Committee on Travellers, post ethnic recognition in Ireland on *‘Travellers Towards a more equitable Ireland post recognition.’* This submission relates to the theme of ‘Dialogue and Traveller Social Inclusion’ with a particular focus on Traveller accommodation, as our engagement with communities through our outreach clinics has highlighted to us the issues that Travellers experience in the area of accommodation and in particular, issues related to the Caravan Loan Scheme.

CLM recognises the importance of accommodation not just as a basic need but as a part of one’s identity, well-being and culture. It is our submission that issues relating to the provision of accommodation for Travellers need to be tackled in order to address the prejudice, stigma, social exclusion, discrimination and identity erosion faced by members of the Traveller community and, consequently, to foster inclusion, dialogue and relationships between Travellers and the wider community.

Making Equality Rights Meaningful:

As part of our work, CLM strive to identify areas of unmet legal need in our community. In our work with Travellers, we have encountered individuals and families whose rights are being infringed and who may have a potential legal remedy. However, without effective access to legal representation, these rights cannot be properly vindicated.

The current system of civil legal aid in Ireland, through the Legal Aid Board, is largely confined to legal advice and representation. While legal advice is provided in most areas of law, legal representation is limited and the majority of cases relate to the area of family law. Other areas

of law, such as equality cases before the Workplace Relations Commission, are excluded from its remit. This places significant barriers on the right of access to justice. Legal representation for cases related to accommodation is not easily accessible through the civil legal aid scheme. This places those who are unable to afford the services of a solicitor or barrister at a distinct disadvantage.

The current system of legal aid provided by the Legal Aid Board is limited and in order to support Travellers' full equality post-ethnicity, CLM recommends that the Seanad consider proposals to expand the current system of legal aid to include and ensure legal representation for Travellers in cases under the Equal Status Acts and in cases involving accommodation.

Importance of Appropriate Housing and Accommodation:

Access to housing and accommodation is a fundamental human right, protected by both the European Social Charter and the Universal Declaration of Human Rights. The right to adequate housing is outlined in Article 25 of the Universal Declaration of Human Rights as follows:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”

The importance of appropriate housing and accommodation for an individual cannot be understated. It has a significant impact on one's wellbeing and quality of life. The provision of appropriate housing and accommodation is essential for the vindication of other basic human rights. Poor quality accommodation may have a profound effect on the health of an individual. For example, damp conditions may lead to respiratory issues; and inadequate plumbing may cause hygiene-related issues. Additional health and safety problems may be created by overcrowding, which is likely to cause accidents; fire hazards; and sometimes, internal conflict. These issues have a negative effect on both the physical and emotional wellbeing of residents.

Not only is there a basic need on a human level for appropriate housing, but it is also part of the identity of individuals, in many cases. Just as the appropriateness of the accommodation provided will vary depending on family size, etc., it also changes according to the culture of the individual.

A significant proportion of (but not all) Travellers wish to live in Traveller specific-accommodation which can include halting sites or group housing schemes. In order to respect the culture and heritage of this community, it is essential that Travellers are provided with access to *culturally* appropriate accommodation in order to fully vindicate the right to adequate accommodation.

Travellers face a number of obstacles when trying to source Traveller specific accommodation. The Government has not delivered on much of what has been promised in this area. According to Pavee Point, by 2017, only 982 out of the 2,200 proposed Traveller-specific accommodation had been delivered.¹ It is frequently reported in the media that there is opposition to the development of Traveller specific sites and Local Government spending on Traveller accommodation continues to come in under budget. The Irish Traveller Movement (ITM) has raised concerns about the failure of Local Authorities to draw down finances, the lack of

¹ Pavee Point: Submission to the Expert group in relation to the review of the Traveller Accommodation Act 1998

oversight of plans and budget, the lack of political will to build Traveller accommodation and the lack of sanction for failing to meet the accommodation needs of Travellers.² CLM recommends that concerted efforts are made to ensure that all available resources are utilised by Local Authorities in providing Traveller specific accommodation and that resources are not “left over.”

Discrimination and Accommodation:

Travellers face high levels of discrimination in Irish society and accommodation is no exception to this. According to a recent report from the Irish Human Rights and Equality Commission (IHREC), Travellers are 22 times more likely than white Irish people to experience discrimination in the area of housing.³ Even when labour market and education status are held constant, they are still 9 times more likely to experience such discrimination.⁴ While Travellers make up only 1% of the overall population of Ireland, members of this community account for 9% of the homeless population in the country.⁵

According to a report commissioned by the Housing Agency, some landlords are reluctant to rent to Travellers.⁶ Over-reliance on the private sector when it comes to housing has meant that Travellers are frequently forced to deal with discrimination on an individual level from landlords. The HAP scheme, for example, requires socially disadvantaged and vulnerable people to negotiate with landlords. This makes it increasingly difficult for them to source appropriate accommodation.

Caravan Loan Scheme and Roundtable Discussions

As part of CLM’s work, we have worked with Travellers who have been trying to secure culturally appropriate and suitable accommodation for their families and in particular trying to access funds to purchase a caravan or mobile home. While not all Travellers wish to avail of halting site accommodation, this type of accommodation continues to be the preference for a sizeable portion of the Irish Traveller community and more steps need to be taken by the State to ensure that this accommodation is suitable to the needs of those who wish to avail of it.

In Ireland, case law has established that there is an obligation (via section 13 of the Housing Act 1988 (as amended)⁷) on Local Authorities to provide serviced halting sites for Travellers.⁸ However, section 13 does not explicitly provide for an obligation on the part of Local Authorities to provide a caravan or mobile home to a household who wishes to avail of halting site accommodation.

There is a mechanism for Local Authorities to provide loans to households who wish to purchase a caravan through section 25 of the Housing (Traveller Accommodation) Act 1998.⁹ Section 25 provides that a Housing Authority may make a loan for the acquisition or repair of a caravan within the meaning of section 13 of the 1988 Act (as amended).¹⁰ Currently this loan

² <https://itmtrav.ie/strategic-priorities/accommodation/statistics/>

³ Raffaele Grotti, Helen Russell, Eamonn Fayey, Bertrand Maitre: ‘Discrimination and Inequality in Housing in Ireland’ June 2018, (according to 2014 data)

⁴ Ibid

⁵ Ibid

⁶ Research Report Experiences of Travellers in the Private Rented Sector Commissioned by the Housing Agency June 2017, page 14

⁷ <http://revisedacts.lawreform.ie/eli/1988/act/28/section/13/revised/en/html>

⁸ See for example, *University of Limerick v Ryan* (*Unreported, High Court, 21st February, 1991*) *Ward v South Dublin County Council* [1996] 3 IR 195

⁹ <http://revisedacts.lawreform.ie/eli/1998/act/33/section/25/revised/en/html>

¹⁰ n (9)

system is administered through the Caravan Loan Scheme, which was launched as a pilot scheme in 2000 by the now Department of Housing, Planning and Local Government. The guidelines as set out in the Circular Letter No. TAU 1/2000 have been used by Local Authorities as the template within which schemes have operated. Local Authorities administer the scheme at their own discretion. Typically, it is young families with children that access the scheme, though in some Local Authorities this has changed over the past years.¹¹

CLM's work in this area has shown that there are many issues with how Caravan Loan Schemes are being operated throughout the country. As part of its work, in December 2017 and January 2019, CLM conducted roundtable events on the appropriateness of the Caravan Loan Scheme and on the issue of culturally appropriate accommodation generally. A number of issues were highlighted as a result of this roundtable including:

1. There can be no "one size fits all" approach to Traveller specific accommodation. However, where a household wishes to access Traveller specific accommodation this accommodation must be sustainable and appropriate for that household. A loan scheme is an important option for many families but other options need to be considered including but not limited to a rental and grant scheme.
2. The Caravan Loan Schemes are operated on an ad-hoc basis. A recent study by the Housing Agency noted that just 40% of Local Authorities operate a Caravan Loan Scheme.¹² This creates a lack of consistency and certainty for Travellers attempting to source caravan or mobile home accommodation.
3. The funding being provided under the Caravan Loan Schemes is often inadequate to purchase an appropriate caravan. Most loan amounts currently on offer by Local Authorities under the existing scheme range between €5,710 and €10,000.¹³ The report completed by the Housing Agency on the Caravan Loan Scheme noted that none of the Local Authorities who were commenting on the maximum amount that could be lent under the scheme thought that it was adequate to cover the cost of a caravan.¹⁴ This is hugely problematic, given that Travellers purchase caravans for long-term living and where the caravans that can be purchased may not be of a suitable standard.
4. There are currently no detailed guidelines for Local Authorities around standards of caravan/mobile homes to be purchased under the Caravan Loan Scheme. Instead, the loan amount allocated to the successful applicants determines what kind of caravan/mobile home a family can buy.
5. There are challenges with increasing the loan amount as it has implications in terms of affordability and over-indebtedness for families undertaking a loan.
6. There are also additional installation and site preparation costs, along with the cost of removing the old caravan, where applicable, and not all Local Authorities offer assistance with this aspect of procuring the caravan.

Recommendations:

¹¹ Housing Agency Report: 'Review of the Caravan Loans and Grants Scheme 2017', pg. 5

¹² Ibid

¹³ Ibid, pg. 24. According to the report of the Housing Agency, under special circumstances one LA has granted loans of €20, 000.

¹⁴ Ibid

- Since 1st March 2017, Traveller Ethnicity has been recognised by the Irish State. In line with this recognition, CLM recommends that the Legislature take all steps necessary to ensure that culturally appropriate accommodation is accessible to Travellers in Ireland.
- Lack of legal representation in equality and accommodation cases means that many Travellers cannot present their cases in the manner that fairness demands, depriving them of access to justice and to an effective remedy. CLM recommends that the civil legal aid scheme be expanded to ensure that Travellers have access to legal representation when dealing with discrimination issues and issues relating to accommodation.
- A significant proportion of the Traveller population wish to live in halting site accommodation. While there can be no “one size fits all” approach to Traveller specific accommodation, a loan scheme is an important option for Travellers. CLM recommends that the Caravan Loan Scheme remain as an option for Traveller specific accommodation. However, CLM also recommends that options are provided for those who wish to purchase caravans including a caravan rental scheme and a sufficiently funded caravan grant scheme.
- CLM is concerned that the current Circular Letter no. TAU 1/2000 is not fit for purpose and, at a minimum, improved and updated guidance is required. Such guidance should include:
 - ensuring that a sufficient amount of funding is available so that caravans of a suitable quality can be purchased;
 - appropriate supports are available to ensure that families are in a position to make the payments on any loan issued;
 - assistance for families to connect to necessary services and utilities;
 - funds made available to families to ensure that the caravan identified is energy efficient

Conclusion:

CLM welcomes this opportunity to engage with the Seanad Public Consultation Committee, particularly in the context of our experience of Traveller discrimination in the area of accommodation. The manner in which accommodation is being provided for Travellers in Ireland is contributing to stigma, prejudice, discrimination, racism, social exclusion and identity erosion experienced by Travellers and we recommend that clear and decisive action is taken to support Travellers in accessing accommodation that is appropriate for their family and for their own cultural identity.

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