



**Community
Law & Mediation**



**Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas**
Irish Human Rights and
Equality Commission

The Legal Implications and Lived Experiences of the Caravan Loan Scheme

THE LEGAL IMPLICATIONS AND LIVED EXPERIENCES OF THE CARAVAN LOAN SCHEME

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ACKNOWLEDGEMENTS

This Report was funded by the Irish Human Rights and Equality Commission (IHREC) under Funding Theme A of the IHREC Human Rights and Equality Grant Scheme 2018. CLM is also grateful for the input and assistance of Colin Smith BL, Dr Amie Lajoie and Molly Geoghegan of TASC, Pavee Point, Wicklow Traveller Development Group and Clondalkin Traveller Development Group.



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EXECUTIVE SUMMARY

Introduction:

This report examines Traveller accommodation experiences through the lens of the Caravan Loan Scheme, which is provided for under section 25 of the Housing (Traveller Accommodation) Act 1998 (the “Housing Act 1998”), to help establish Traveller-specific accommodation. In particular, this legislation mandated each local authority to design programmes to directly address the housing needs of Travellers living in their districts, known as Traveller Accommodation Programmes (“TAP”). The Caravan Loan Scheme was launched as a pilot project in 2000, and offered loans to help interested individuals and families purchase or update a mobile home or trailer (defined in the legislation as a ‘caravan’).

The Housing Agency carried out a review of the Caravan Loan Scheme which was published in August 2017. While the Government had previously indicated that a revised Circular would be issued¹, to date this has not occurred.

Methodology:

Based on consultative conversations with relevant Traveller organisations, as well as three in-depth focus groups with primary healthcare providers for the Traveller community, the research highlights the lived experiences and legal implications of the Caravan Loan Scheme. Participants in the research revealed the ways in which the Caravan Loan Scheme has been inconsistently implemented and the various obstacles that exist in terms of access.

¹ On 7 September 2018, Clare Daly TD asked the Minister of State at the Department of Housing, Planning and Local Government with special responsibility for Housing and Urban Development in the Dáil whether the terms of the Caravan Loan Scheme would be reviewed with a view to updating the legislation to make the Scheme more accessible. The response of the then-Minister of State, Damien English TD was as follows: *In 2016, my Department commissioned the Housing Agency to conduct a comprehensive review of the scheme of loans and grants for caravans that had been in operation since 2000. The Housing Agency surveyed all local authorities and engaged in broad consultation with all key stakeholders. A report on the review was submitted to my Department in 2017. On foot of the review, I requested that my Department consult with the National Traveller Accommodation Consultative Committee and other relevant stakeholders to develop a revised scheme having regard to the recommendations contained in the review. This consultation is ongoing and the outcome will support the development of a revised scheme.* <https://www.oireachtas.ie/en/debates/question/2018-09-07/1336/>

i KEY FINDINGS

Substandard caravan conditions and inconsistent loan amounts

The caravans provided by loans from local authorities often make unsafe year-round homes for high-occupancy Traveller households. Furthermore, the loan amounts offered are not consistent across local authorities and are often too low for the purchase of a quality caravan and/or to make adequate repairs.

Barriers to amenities and 'doubling up'

There are systemic barriers to accessing fuel and energy among Traveller communities, such as receiving adequate fuel allowance for two separate families living at the same address, or 'doubling up'. The findings of this report support existing research (NT MABS 2019; Housing Agency 2017) that finds that many households often go without heat or electricity for long periods of time due to the high cost of those services.

Lack of availability and awareness of the Caravan Loan Scheme

In the Housing Agency's report in 2017, it was reported that only 12 local authorities offer the Caravan Loan Scheme. A recent review carried out by CLM identified up to 13 local authorities operating a Caravan Loan Scheme. The Caravan Loan Scheme is not implemented consistently across all local authorities – and even in areas where it is offered, many Travellers are not aware of the Caravan Loan Scheme and the type of housing supports available.

Exclusion from decision-making

Many participants in this research expressed feelings of being bypassed by the decision-making process, in particular within their local authorities.

Disenchantment with minimal outcomes of previous Traveller community research

Participants in this research expressed feelings of fatigue from participating in an abundance of research that they feel has done little to improve their lives. They associate this lack of progress with the inaction of politicians and local leaders, made evident by the significant underspend of Traveller-specific accommodation budgets by many local authorities.

Traveller Recognition more than symbolic

Taking into account the State's recognition of Traveller ethnicity, there are strong arguments that the constitutional equality guarantee should be viewed in light of Ireland's international obligation to respect Traveller culture and to guard it against assimilation.

Caravan Loan Schemes must be rational and reasonable

While Section 25 of the Housing (Traveller Accommodation) Act 1998 is discretionary in its wording, the State's duty to perform its function in a rational and reasonable manner can be applied to section 25.

Unequal Treatment

Housing Legislation provides for the provision of social housing support in the form of dwellings but Traveller-specific provision is limited, essentially, to the provision of halting-sites, group housing schemes and the Caravan Loan Scheme. There is no formal provision whereby a caravan can be rented to a Traveller household on the same basis that a dwelling is rented to a settled family.

ii RECOMMENDATIONS

Based on these findings, we make clear and actionable recommendations to key stakeholders that can improve both caravan accommodations and the general wellbeing of the Traveller community.

1.

The Government should expand and revise the terms of the Caravan Loan Scheme by issuing an amended Circular under section 25(2) of the Housing Act 1998, to better incorporate the needs of Travellers. Such revisions include, increased financial support, better account taken of family size and measures to ensure a better standard of caravan can be purchased. This expansion should include a Rental Scheme and Rent to Buy options.

2.

The Government should ensure that there is a consistent, fair and standard procedure for accessing the Caravan Loan Scheme. These procedures should ensure that Travellers are given support to access the scheme, and support in obtaining a caravan that is of good quality.

3.

The Government should take action to ensure that resources are being used to improve conditions on halting sites.

4.

The Government should thoroughly investigate as a matter of urgency the underspending of Traveller accommodation budgets in Ireland.

5.

A cultural training and awareness workshop should be put in place for local authorities and other stakeholders to educate officials on Traveller ethnicity and culture.

1. INTRODUCTION

This report explores the lived experiences and the legal implications of the ‘Caravan Loan Scheme’, a public lending scheme for those who wish to purchase or repair/update a mobile home or trailer (referred to as a ‘caravan’) for themselves and their families. The Caravan Loan Scheme was established in 2000 under the Housing Act 1998. In particular, section 25 of the Housing Act 1998 provided local authorities with the power to make provision for loans for Traveller-specific accommodation i.e. loans for caravans or sites for caravans. The aim of the Caravan Loan Scheme was to improve the quality and affordability of accommodation for Travellers and to directly address issues of overcrowding and substandard living conditions, as well as to bridge gaps in access to financial services and affordable credit options (NT MABS 2015). Since its inception, the Caravan Loan Scheme has had some success in meeting this objective (Housing Agency 2017). However, the Caravan Loan Scheme’s utility has been significantly hindered by its inconsistent implementation across the country – with only approximately 13 local authorities currently offering the Caravan Loan Scheme.²

This research directly links into our current work and advocacy in the area of housing law. As part of our mission and ethos, we aim to identify areas of unmet legal need of disadvantaged and marginalised groups within the local community. We recognise and bear witness to the experiences of Irish Travellers and the specific challenges they face in accessing quality and sustainable accommodation, as well as obtaining reasonable loans to cover costs of accommodation and other essential living expenses.

Safe and affordable accommodation is considered a fundamental human right under the Universal Declaration of Human Rights (UN General Assembly 1948), and the right to adequate housing is enshrined in the International Covenant on Economic, Social and Cultural Rights (Article 11, UN General Assembly

1966), a fundamental human rights treaty of the United Nations treaty that Ireland ratified in 1989. Part of the realisation of ‘the right to adequate housing’ involves ensuring that the State provides housing that meets basic standards of adequacy and decency. It also requires the State to ensure that all members of society are aware of the right itself.

In the following introductory section of this report, we provide a brief overview of the Traveller community in Ireland as well as present the debates and research pertaining to the situation of Traveller-specific accommodation within the Irish state. This project was funded by IHREC. We also introduce the Caravan Loan Scheme itself and its original aims.

Taking a human rights perspective, this report outlines the implications that result when certain groups are excluded from accessing adequate housing. These include material and economic burdens, such as the lack of access to affordable credit options, to more systemic concerns including employment, education, safety and mental health.

This report then examines the appropriateness and adequacy of the Caravan Loan Scheme from a legal perspective, against the backdrop of Ireland’s domestic and international human rights obligations, and Ireland’s recent recognition of Traveller Ethnicity.

Finally, we present an overview of the research itself and the methods that were deployed in order to carry out the project’s main objectives.

On the whole, this report scrutinises the overall effectiveness and implications of the Caravan Loan Scheme as a mechanism to meet the Irish State’s legal obligations to ensure the right of the Traveller community to quality and culturally-appropriate housing. It was commissioned by CLM (Community Law and Mediation) in collaboration with TASC (the Think Tank for Action on Social Change) and Colin Smith BL.

² According to a review carried out by CLM completed October 2019.

1.1 AN OVERVIEW OF THE TRAVELLER COMMUNITY IN IRELAND

According to the 2016 Census, there are 30,987 Travellers living in Ireland. Travellers make up 0.7% of the general population with almost 80% of the Traveller community residing in urban areas, particularly Dublin and its suburbs (Central Statistics Office 2016). In the context of accommodation, the nomadic way of life, also referred to as 'caravan living' is central to traditional Traveller culture. However, only a minority, or approximately 1,015 Traveller households, live in a caravan or 'other mobile temporary structures'. These structures, also called mobile homes or trailers, are located on permanent halting sites and are still perceived as an 'ideal place to live' by 13% of those in the Travelling community (O'Mahony, J. and Associates 2017, 59).

Travellers gained recognition from the State as an ethnic minority in March 2017. Despite this recognition, the Traveller community remains one of the most disadvantaged and marginalised groups in Ireland. For example, high levels of mortality, coupled with low levels of educational attainment and employment are characteristic of the Traveller community. The starkness of these figures is apparent when compared to the rest of the population (NT MABS 2019). To illustrate this, a key finding of the 2010 All Ireland Traveller Health Survey, conducted by University College Dublin, was that Traveller men live on average 15 years less than men in the general population and Traveller women live on average 11.5 years less than women in the general population (All Ireland Traveller Health Study Team 2010). Related, the All Ireland Health Survey, demonstrated how members of the Traveller community also disproportionately suffer from poor mental and physical health, and have a deep distrust of Irish medical institutions (All Ireland Traveller Health Study Team 2010).

In terms of employment, according to the 2016 Census, Traveller unemployment rates are at 80.2%, with almost 1 in 8 Travellers (11.3%) stating that they are unable to work due to a disability, a figure three times greater than the rate of the general

population (4.3%). In terms of education levels, just 13.3% of Traveller women were educated to upper secondary level or above, compared with 69.1% of the general population. For Traveller men, 69.1% were educated to only a primary level, compared with 13.6% of men in the population. Furthermore, only 1-1.5% of Irish Travellers complete a Bachelor's degree, versus 28.1% of general population (Central Statistics Office 2016).

Irish Travellers also tend to have significantly larger families than the rest of the population – with nearly 1 in 2 Irish Traveller women aged 40 – 49 having 5 children or more according to the 2016 Census, compared to 1 in 24 women in the general population (Central Statistics Office 2016). As such, this ethnic minority group tend to marry younger and, on the whole, have larger households. In terms of living conditions, 39.1% of Irish Traveller households (or approximately 2 in 5 households) have more persons than rooms. This figure is much larger than that of non-Traveller households, which is less than 6% (Central Statistics Office 2016). This household makeup is a significant factor in accounting for current Traveller accommodation experiences – and we discuss this in more detail in this report.

1.2 CURRENT RESEARCH ON TRAVELLER ACCOMMODATION

Recent research has revealed the ways in which accessing energy-efficient, sustainable, well-serviced and affordable accommodation is a primary concern for the Traveller community. Those living on halting sites tend to be disproportionately affected by substandard housing conditions, including overcrowded conditions, than Travellers living in other types of accommodation that is considered more ‘conventional’ (Housing Agency 2017). A 2017 study by the ESRI found that Travellers residing in temporary mobile structures such as caravans and mobile homes are more likely to lack access to basic utilities and resources such as central heating, piped water, adequate waste removal and sewage facilities as well as internet access (ESRI 2017). In addition, these forms of accommodation are not provided by the State – as compared with local authority housing (NT MABS 2019). Anyone who seeks to live in a caravan or mobile home must therefore source and pay for their own caravan or mobile home, regardless of his/her income level or means.

In light of these conditions, the Irish State allocates direct measures to create culturally-appropriate housing, and public funds for Traveller-specific accommodation. However, research has shown that only 23% of the funds allocated for Travellers by the Department of Housing, Planning and Local Government (henceforth “DHPLG”) has been used by local authorities since 1998 (NT MABS 2018). Research from Pavee Point³ found that, in 2018, 48% of funding allocated to local authorities to spend on Traveller specific accommodation was returned to the government unspent.⁴ This practice varies significantly according to region and county – with some local authorities spending the majority of their budget and others none at all. The overall lack of spending of local funds on Traveller accommodation by local authorities reveals a systemic trend and lack of political and societal will to provide for the basic accommodation needs of Travellers.

A 2019 study from the National Traveller Money Advice and Budgeting Service (henceforth NT MABS) outlined the living experiences of 65 Traveller households in caravan living. The research found that a majority of respondents’ accommodation was between 10-15 years old, reinforcing the fact that *‘the vast majority of respondents (n=50 or 77%) reported their home to be in need of repair’* (NT MABS 2019, 31 - 32). Additionally, barriers such as energy costs and difficulties in accessing fuel allowance mean that many caravans had to go without heating, electricity, and water for long periods of time. This has direct consequences for dampness and condensation, *‘affecting not just the interior but clothes and bedding, again presumably necessitating increased expense in terms of drying and replacement’* (NT MABS 2019, 35). In instances where water is not accessible in a home, Travellers will, if possible, use another family member’s home to access hot running water and toilet facilities (NT MABS 2019, 41).

Our findings align with those of the previous studies referred to throughout this report. With a specific exploration of the experiences and legal practicalities of the Caravan Loan Scheme, this report is able to further expose the overarching systemic issues in terms of the Irish national policy and the provision and support of Traveller-specific accommodation. In the following section, we continue our discussion with a more detailed overview of the Caravan Loan Scheme itself.

³ An active civil society organization based in Dublin that works towards the realisation of the human rights of Traveller and Roma persons living in Ireland. See: www.paveepoint.ie

⁴ For more, see: <https://www.paveepoint.ie/wp-content/uploads/2015/04/2018-Traveller-Accommodation-Spend.pdf>

1.3 THE CARAVAN LOAN SCHEME

In 2000, the then Department of the Environment (now the DHPLG) introduced the ‘Caravan Loan Scheme’, building on the previous Housing Act 1998. The Caravan Loan Scheme was designed to address issues of overcrowding and poor living conditions, as well as to specifically address gaps in the provision of financial services to Travellers, including credit and insurance. Traditionally, Irish Travellers face issues of financial exclusion with

barriers to accessing affordable credit options. We return to discuss this point further in Section 2.1.

According to a review carried out by CLM between 2018 and 2019, 13 (42%) local authorities offer the Caravan Loan Scheme – while the other 18 local authorities do not. Local authorities have cited high levels of arrears and lack of demand as reasons for suspension (Holland 2018; Housing Agency 2017).

Local authorities where the Caravan Loan Scheme operates	Local authorities where the Caravan Loan Scheme has been stopped/ suspended
1. Carlow County Council	1. Wexford County Council
2. Clare County Council ⁵	2. Cork County Council
3. Kilkenny County Council	3. Donegal County Council
4. Fingal County Council ⁶	4. Dublin County Council
5. Leitrim County Council	5. Galway City Council
6. Louth County Council	6. Galway County Council
7. South Dublin County Council ⁷	7. Kerry County Council
8. Cork City Council ⁸	8. Laois County Council
9. Waterford County Council	9. Longford County Council
10. Wicklow County Council	10. Tipperary County Council
11. Limerick City and County Council	11. Mayo County Council
12. Dún Laoghaire-Rathdown Council	12. Meath County Council
13. Cavan County Council ⁹	13. Monaghan County Council
	14. Offaly County Council
	15. Roscommon County Council
	16. Sligo County Council
	17. Westmeath County Council
	18. Kildare County Council ¹⁰

Figure A) Information provided by Community Law and Mediation, Oct.2019¹¹

⁵ As per page 19 Traveller Accommodation Programme 2019 - 2024 (Draft)

⁶ As per page 9 Traveller Accommodation Programme 2019 - 2024

⁷ As per page 18 Traveller Accommodation Programme 2019 – 2024. Contact with the local authority suggests that the Caravan Loan Scheme may have been paused and under review.

⁸ As per page 15 Traveller Accommodation Programme 2019 – 2024, the Caravan Loan Scheme was reintroduced in November 2018 and will be reviewed at the end of 2019.

⁹ As per page 19 Traveller Accommodation Programme 2019 - 2024

¹⁰ There is no Caravan Loan Scheme in place. However a mobile home replacement scheme is offered on the recommendation of a social worker. Repayments towards the cost of the mobile are made by way of a rent contribution (paid through household budget) calculated by the differential rent scheme

¹¹ This information was gathered by reviewing published Traveller Accommodation Programmes, contacting local authorities and an FOI request made in 2018.

Set forth in Circular Letter No. TAU (Traveller Accommodation Unit) 1/2000, the Caravan Loan Scheme *'provided for repayable loans, with a grant element for first time buyers, to assist in replacing caravans and assist Travellers to provide for their own accommodation needs and improve the quality of living conditions'* (Housing Agency 2017, p.5). The Circular Letter also stipulated the conditions of the Scheme, which included the following:

- ▶ *Local authorities could provide a loan up to a maximum of €6,350 to purchase a caravan*
- ▶ *The loan should be paid back within five years*
- ▶ *Applicants must be in need and not able to provide from their own resources*
- ▶ *The caravan must be purchased from a registered supplier*
- ▶ *Caravans should be located in a bay or other site provided by the local authority, or another location acceptable to the authority*
- ▶ *The normal local authority house purchase interest rate applies to the loan and the applicant contributes at least 10% of the purchase price of the caravans* (Housing Agency 2017, 8)

The Caravan Loan Scheme is designed predominantly for first-time buyers who do not have the income or access to credit necessary to purchase and/or repair a caravan through other means. In addition, the loan amount varies by local authority – and according to the 2017 Housing Agency report, the standard maximum loan amount ranges from €5,710 to €10,000 with an average maximum loan amount of €7,214. This amount varies significantly by local authority, and is generally recognised as insufficient to purchase an adequate caravan. As mentioned previously, it is also important to note that *'as a general rule [mobile homes] are not provided through the State in contrast to residential social housing'* (MABS 2019, 12). This means that even though the local authority stipulates the loan amount as well as the interest rate applied, these caravans are *not* provided by the State. Essentially, the State provides a loan to buy the caravan, which is not the case with a local authority home. Traveller families, in addition to paying back the loan, must pay rent for the bay on the halting site. We will explore the legal consequence of this difference further at section 4.

As such, *'there is much variation between local authorities in operation, eligibility, size of loan available, procurement of caravan, connections to utilities and placement of caravan'* (Housing Agency 2017, 6). According to NT MABS, *'very few [Travellers] accessed a loan from a regulated source or borrowed by way of the Caravan Loan Scheme'* (NT MABS 2019, 28). This lack of uptake in a scheme set forth to support Traveller accommodation experiences is significant – and we continue to explore the implications of this in detail in the following sections.

1.4 ABOUT THE RESEARCH

This research considers the effectiveness of the Caravan Loan Scheme against the backdrop of Ireland's domestic and international human rights obligations, as well as its recent recognition of Irish Travellers as an ethnic minority group. Through rigorous examination of the Caravan Loan Scheme, this report explicitly outlines the socio-economic impact of the current state of Traveller accommodation in Ireland and highlights the shortcomings of the Caravan Loan Scheme itself as evidenced by the data collection. By framing this issue in a legal context, the report aims to contribute to extant research and literature that addresses the particular challenges in terms of Traveller accommodation, while offering practical solutions and proposing policy changes.

To carry out its objectives, the research utilised a mix of quantitative and qualitative methods. First, to capture data on participants that have engaged with the Caravan Loan Scheme, TASC developed a questionnaire¹² to administer to local organisations that represent the Traveller community. Questionnaires were distributed via email and a hard copy to the Clondalkin Traveller Development Group, the Tallaght Traveller Development Group, the Wicklow Travellers Group, amongst others¹³.

Second, to understand more about how the Caravan Loan Scheme has been used, we facilitated focus groups with interested Travellers and Traveller advocacy groups to hear direct experiences around the Caravan Loan Scheme and accommodation. A total of three focus groups were conducted:

- ▶ Two at Pavee Point
- ▶ One at Wicklow Travellers Group¹⁴

These participants, coincidentally all women, were primary healthcare providers for the Traveller community. Travellers themselves, they work with families in their respective communities to offer basic healthcare and mental health support. They are in a unique position to offer key insight on the nature of the Caravan Loan Scheme in their communities. In total, 26 members of the Traveller community were represented in these focus groups. It is important to note that in order to protect confidentiality, all the names of focus group participants are omitted in this report. Overall, the participants provided enthusiastic participation in discussing the Caravan Loan Scheme, as well as providing direct links to related concerns in terms of the current state of Traveller accommodation. The majority of the findings presented in this report emerged from these discussions.

The third method deployed for the research included phone interviews with relevant organisations including National Traveller MABS, the Irish Traveller Movement, and local Traveller groups that have conducted research in this space and continue to work in their communities. These conversations were helpful in understanding the work that has already been done on Traveller accommodation, especially from the perspective of Traveller advocacy and Traveller community groups, as well as the key areas that need to be addressed by local authorities. It was also useful in understanding the everyday barriers and burdens laden in the State's provisions of Traveller-specific accommodation and the inconsistencies experienced. The names from these conversations were included in the report if permission was given.

¹² This questionnaire is included in Appendix I.

¹³ Full list of Traveller organisations reached is included in Appendix IV.

¹⁴ Further details of these focus groups are included in Appendix II

In addition to the qualitative research carried out by TASC, CLM instructed counsel to explore the legal obligations of the State in respect of the Caravan Loan Scheme. This section is further explored at Section 4.

In the following sections of this report, we outline the key findings based on the empirical data collected and the insights from members and stakeholders of the Traveller community. These sections are divided as follows:

- ▶ **Section 2:** discusses how concerns with the Caravan Loan Scheme are directly connected to overarching systemic challenges that Travellers face in Irish society, including financial wellbeing and access to financial services, limitations to socio-economic opportunities such as education, and employment and mental health concerns.
- ▶ **Section 3:** explores the shortcomings of the Caravan Loan Scheme from the perspective of the research participants – including the barriers to access and the difficulty in implementing the Caravan Loan Scheme.
- ▶ **Section 4:** explores the State’s legal obligations in respect of the Caravan Loan Scheme.
- ▶ **Section 5:** offers practical recommendations that emerged based on the research, including how the Caravan Loan Scheme can be improved in order to better serve the needs of the Traveller community.

2. CONTEXTUAL CHALLENGES AND THE TRAVELLER COMMUNITY

KEY FINDINGS

Poverty and Deprivation

Substantially high levels of unemployment and low levels of education amongst the Traveller community suggest Travellers are continuously at risk of poverty and deprivation.

Limited access to financial services

Research consistently demonstrates that Travellers have historically low access to financial services and affordable lines of credit and many Travellers therefore turn to high credit options such as moneylenders. The availability and utility of the Caravan Loan Scheme is linked to wider issues of financial exclusion faced by the Traveller community.

Access to credit and insurance is needed

It is imperative that safeguards are in place to ensure that Travellers can access affordable lines of credit and insurance, in order to allow for greater financial stability and to avoid unmanageable debt levels.

Impact of inadequate and unsustainable housing

Inadequate and unsustainable housing affects all aspects of everyday life. Participants in the research highlighted the importance of a quiet space for children to do homework or the ability to access a shower before school which may not be available when living in substandard housing.

Mental health

Mental health remains a serious concern for those who work in and with the Traveller community in Ireland.

As mentioned in Section 1, Travellers remain a disproportionately disadvantaged population within Irish society. High mortality rates, low educational attainment levels and low levels of labour force participation are all characteristic of the Traveller community in Ireland (Central Statistics Office 2016). Issues with accommodation and in particular with the implementation and accessibility of the Caravan Loan Scheme are directly linked to wider, social and contextual norms and incidences of exclusion. In this section, we explore three of these themes that arose in the data collection for this project: low financial wellbeing, limited socio-economic opportunities, particularly in terms of education and employment, and mental health concerns.

2.1 FINANCIAL WELLBEING

The financial and economic wellbeing of Irish Travellers, like all members of Irish society, is directly linked to income levels, the overall cost of living as well as the ability to access affordable lines of credit. In terms of income, the substantially high levels of unemployment and low levels of education amongst the Traveller community suggest Travellers are continuously at risk of poverty and deprivation. It is important to note that Census data does not provide specific information on income and poverty levels for Travellers – which makes it difficult to discern the extent of poverty as well as how to design appropriate policies to meet the needs of this group (NT MABS 2019). In addition, the most applicable data available on income level, the annually collected European Union Survey on Income and Living Conditions (EU SILC), does not provide sufficient data to reveal the financial situation of small minority groups (Stamp 2009). To fill this gap, extensive research and Census data on key indicators such as health, mortality rates, unemployment and education all provide valuable insight into the scope of poverty and deprivation faced by Travellers.

Research has also consistently demonstrated that Travellers have historically low access to financial services and affordable lines of credit, and many Travellers therefore turn to high credit options (such as moneylenders¹⁵). As such, they risk incurring unmanageable debt levels in order to pay for everyday living expenses such as rent and fuel (Housing Agency 2017; NT MABS 2019; 2015). While the Caravan Loan Scheme was originally designed to address these issues of financial exclusion, it does not appear to be meeting this objective. As mentioned in Section 1, the average loan amounts offered by local authorities are not sufficient to meet the cost of a decent caravan. While these figures vary based on region, the average loan amount in 2017 was €7,214, and it is generally recognised that a good standard caravan would

15 “Moneylenders” are individuals or companies whose main business is to lend money, and banks, building societies, insurance companies and credit unions are not considered moneylenders. “Moneylending” is the practice of giving cash loans or supplying goods or services, and the debt is repaid at a high interest over a short period.

cost anywhere from €11,420 to €20,000 (Housing Agency 2017). Travellers therefore have to try and subsidise the caravans purchased from the Caravan Loan Scheme with their own income (if permitted under the terms of the relevant scheme) or purchase a caravan that may be inexpensive but also in poor condition. According to a 2010 NT MABS report on 'Issues of Personal Finance':

Because the council loans are not enough to purchase a decent caravan, Travellers are accepting loans from the council that allow them to buy only sub-standard accommodation that does not out-live the lifespan of the loan. So very often, our clients are left paying for a caravan that has fallen apart long ago. The implications of this are that the family needs to borrow again, paying back two loans for two bad caravans. (NT MABS 2010, 29)

Due to substandard conditions, some Travellers are left with little choice other than taking on more loans and more repayments in order to maintain the condition of their caravans, which can lead to worsening their debt. Indeed, NT MABS found that 'most caravans bought by instalment are not paid off by the time they need to be replaced or repaired' (NT MABS 2010, 29). Related to this, the NT MABS report also found that obtaining caravan insurance to secure the property is often not worthwhile due to high costs. This is because caravan accommodation is often viewed as 'high-risk' by insurance companies: 'Travellers find it difficult enough to get insurance for cars and vans, let alone caravans' (NT MABS 2010, 30).

For those Travellers who are denied loans with the local authority or living in an area where the Caravan Loan Scheme is not offered, credit unions have been suggested as a potential alternative option for receiving a loan in order to purchase or update a caravan. In previous years, alternative lending schemes for Caravans have been operated

by National Traveller MABS in partnership with credit unions and participating local authorities (Dublin City Council and Wicklow local authority in particular). These groups shared the risk of guaranteeing loans from credit unions to Travellers for the purchase of a caravan¹⁶. These schemes appear to be more effective on the surface than local authority loans, as Travellers are guaranteed access to lines of credit at decent rates with the help of a stable and institutional guarantor (Housing Agency 2017; NT MABS 2010).

As such, local credit unions have been highlighted as having a key role to play in alternative lending schemes for Travellers – and some research suggests that receiving a loan from the credit union is a more viable option than borrowing from a local authority (Housing Agency 2017). However, there are issues as some credit unions have lost favour within local communities, or clients may already have a nonperforming loan they cannot repay. According to the participants in our research, repaying the local council for loans was highlighted among participants as a more appealing option than going to the credit union.

Overall, the availability and utility of the Caravan Loan Scheme is linked to wider issues of financial exclusion faced by the Traveller community. It is imperative that safeguards are in place to ensure that Travellers can access affordable lines of credit and insurance, in order to allow for greater financial stability and to avoid unmanageable debt levels. We return to these points in Section 3 of this report.

¹⁶ For more on these Schemes, see the following reports from NT MABS: NT MABS (2014) Discontinuation of the Lough Payment Scheme for MABS clients nationwide position paper and NT MABS (2015) A Review of National Traveller MABS supported Caravan Loan Guarantee schemes.

2.2 EDUCATION AND EMPLOYMENT

An additional theme that arose from the data collection concerned the ways that lack of adequate housing and accommodation are also strongly linked to limited life and socio-economic opportunities for the Traveller community. This includes the experience of distinct and pervasive barriers to employment and education, as well as mental health concerns (a topic we discuss in detail in Section 2.3). The Caravan Loan Scheme was designed as a method to address these concerns and provide a means for quality and sustainable accommodation. A discussion of this scheme ultimately resulted in many participants disclosing the very real ways lack of quality housing has an impact on social and economic engagement, in the areas of education and employment in particular.

For instance, one focus group participant found that children living in poorly serviced caravans without running water or electricity struggle to keep up in school:

‘Some don’t have electricity or lighting and they can’t be doing their homework. They can’t have showers in the morning so they’re embarrassed.’

As made evident in this comment, having access to basic utilities and services has intersectional effects in many aspects of a person’s life. A decent living space has an effect on the ability to carry out daily tasks that support the wellbeing of children and families.

In terms of employment, many Travellers feel that they need to hide their identity to avoid discrimination – and this includes hiding their address. According to one participant in the focus group,

‘When they’re going for jobs, a lot of them won’t give the right address. Because as soon as you give the address, they know [they are] from the halting sites.’

According to the participants in the research, such strategies are commonplace when members of the Traveller community apply for work and many Travellers choose not to disclose where they live in order to avoid scrutiny. Along a similar vein, one focus group participant recounted a story of a Traveller man who never disclosed his identity, even on the job. He overheard relentless racism and micro-aggressions:

And he said, ‘I’m not sorry for myself, I want to do this for my own pride.’ He said, ‘I can’t do what I’m doing here because you’re calling [them] ‘knackers’ and you’re calling names...Well,’ he says, ‘I’m a Traveller.’ They couldn’t believe it. They go ‘Oh, but you’re not all the same, you’re not all the same!’

Lack of general socio-economic engagement and participation also has had a tremendous impact on awareness within the Traveller community concerning the process of acquiring social supports. For example, one focus group participant stated:

For years Travellers didn’t realise, because they weren’t educated enough, that when they went in to [the Council] and put down their name on a housing list, they were putting it down for Traveller-specific [housing]. They were waiting for a house...they didn’t realise they were just on the Traveller-specific list.

This participant continues, ‘The ones that can’t read and write are left behind because they don’t know what they’re entitled to.’

Another focus group participant shared how she struggled to explain to her kids why education is important to them:

You probably will be discriminated, but that doesn’t mean that you don’t need education. Education is so powerful and so many other ways. You need it for application forms, you need it when you go down to use your local services—it’s very important that you have education...And you’re trying to explain this

to them and yet, the discrimination is hitting them from behind like, well, this is what happened to me, like where am I going to get a job? If I give my address, I can't [get a job]!

Overall, the experiences shared during the focus groups illustrated the ways that many of the challenges faced by the Traveller community have broader socio-economic effects. The impact of living in inadequate and unsustainable housing intersects with all aspects of everyday life. The participants' perspectives concerning the importance of a quiet space for children to do homework or the ability to access a shower before school, reveals the simple needs that can be stripped when living in substandard housing. Education is also essential in order to understand surrounding institutional and bureaucratic structures, and a lack of education may act as a barrier to accessing essential social resources and information.

In addition, facing discrimination in the workforce based on identity remains a daily occurrence for many in the Irish Traveller community. The intersection of all these socio-economic challenges reveals the importance of addressing the basic human rights of Travellers on a variety of levels. We continue to expand upon this point in the following section on mental health.

2.3 MENTAL HEALTH

Mental health remains a serious concern for the Traveller community in Ireland. In this section, we highlight some of the comments from the focus groups that concerned mental health and wellbeing. These perspectives correspond with recent research on this issue – for example, in 2019 the Clondalkin Traveller Development Group published a report on mental health and the Traveller community. The report found that 86% of respondents from their 97-person survey sample felt that they could benefit from counselling or suicide prevention and that 84% know someone who has attempted suicide (CTDG 2019, 14, 25). In line with these findings, the topic of mental health and the prevalence of suicide (amongst young Travellers in particular) was a reoccurring theme throughout each stage of the data collection.

When asked what kind of resources are available for people seeking help, one participant (a primary healthcare worker) said, *'I suppose we'd be a lot of support'*, referring to the services her team provides to nearly 300 families in her local area. However, this poses a burden to the healthcare providers themselves, as she continued: *'by the time we leave, you nearly want counselling yourself sometimes. It's that hard.'* She continued:

They're our people at the end of the day. A Traveller is a Traveller, and you're listening to that—your hands are kind of tied. What can we do? We can tell them about the clinics we can tell them about the Well Woman [centres] — we have done that.

Data from local groups and stakeholders demonstrates the ways that mental health problems and access to care remain extensively stigmatised, both within and external to the Traveller community. As such, seeking help for mental health issues can be a difficult obstacle to overcome in and of itself. In the Clondalkin study, 78% of respondents answered that a *'majority of Travellers understand mental health as something to be ashamed of and 68% understand it as*

something to hide' (CTDG 2019, p.24). These high figures reveal how individuals may avoid addressing their own mental health due to public shame. In not confronting issues of stress, anxiety, and depression, those issues may only worsen in time.

Many Travellers face broad contextual and structural challenges, including mental health, socio-economic issues such as lack of employment and education, as well as financial stress, that are intricately linked to living in inadequately serviced housing and accommodation conditions. These three specific thematic issues emerged in our discussions with members of the Traveller community and relevant local stakeholders. These issues reveal the myriad of ways housing and accommodation are linked to all facets of daily life and wider engagement in society.

In the following section, we explore the ways the respondents critiqued particular aspects of the Caravan Loan Scheme, and further reveal how many Travellers in Ireland continue to live in conditions that are too expensive, poorly serviced and ill-equipped to meet their needs.

3. PERSPECTIVES ON THE CARAVAN LOAN SCHEME

KEY FINDINGS

Substandard Caravan Conditions

A reoccurring theme in the research is that the loan amounts are not sufficient to cover the cost of a quality of caravan that provides for a warm, safe and secure home and are more often ‘holiday’ or ‘starter’ trailers, meant for temporary, not long term use.

Basic facilities are often missing from caravans purchased through the scheme

Essential amenities such as insulation, access to water, plumbing facilities and electricity are often not included in the “starter” caravans purchased through the Scheme.

No allowances for family size

The Caravan Loan Scheme in general does not make allowances for family size, a distinct difference from the assessment of households in applications for social housing even though overcrowding is reported to be common in many mobile home or trailer settings.

Substandard caravans lead to increased utility costs

Poorly maintained caravans are significantly less energy-efficient, using a substantial amount of resources such as water, fuel and electricity.

Lack of awareness

The sporadic implementation of the Caravan Loan Scheme by local authorities has led to a widespread lack of awareness of the Scheme’s existence among Travellers.

Bureaucratic barriers

Prerequisites to acquiring a loan, such as providing proof of address create unique challenges to members of the Traveller community.

Disillusioned with civic engagement

Members of the Traveller community have been consistently excluded from decision-making processes, leading to feelings of disillusionment with current political actors and structures. Members of the Traveller community are frustrated with the limited results that have materialised from the numerous reports and studies that have been carried out on Traveller-specific accommodation.

This section highlights specific research findings based on the perspectives of project participants in terms of the effectiveness of the Caravan Loan Scheme for Travellers living in Ireland. The specific topics explored include the inadequate conditions of the ‘temporary’ caravans that issued from the local authority; the intersection of the quality of the accommodation itself and the amount of energy required to keep the caravan operational; the lack of awareness of the Caravan Loan Scheme and the subsequent negative implications for implementation; and finally, how Travellers have been made to feel excluded from decision-making processes and why they may require more appropriate options, such as a ‘rent-to-buy’ or a rental scheme.

It should be noted that research participants from the Traveller community expressed exhaustion concerning the lack of impact of previous research projects. In fact, one participant explicitly asked how this research project would be different than the two National Traveller MABS reports on similar topics¹⁷ in which she had previously taken part. We offer further details concerning these feelings of frustration in the following discussion.

3.1 SUBSTANDARD CARAVAN CONDITIONS

Every research participant expressed a shared concern about the quality of caravans—particularly those purchased through the Caravan Loan Scheme or other schemes offered by local authorities. It was revealed that these structures (mobile homes, trailers, caravans) are hardly ever received in new or recently renovated conditions. Additionally, the limited loan amounts offered (an amount that varies according to the discretion of each local authority) are not enough to make adequate repairs to existing caravans. In particular, this amount is not sufficient to cover the thousands of euros required to properly insulate these structures. Thus, a reoccurring theme in the research is that the loan amounts are not sufficient to cover the cost of a quality of caravan that provides for a warm, safe and secure home.

One Caravan Loan Scheme participant elaborated on the problems she experienced. She has since moved into social housing provided by her local authority:

I've accessed it, [and] it's a disaster. I'd never do it again. I'm seven years in my house now and I'm still paying for a caravan that was scrapped...We had no facilities... [The local authority] came to me and said, unless I gave them €80 a week I wouldn't get the key to the [social] house. So, I had to give them €80 a week for a year and a half...That's all I had, like, I had electricity and I was paying for that separately... [When I was living in the caravan] My husband had to take out the cooker because the rats came up underneath the cooker.

Many of the types of caravans purchased by loan schemes from local authorities are categorised by Travellers as ‘holiday’ or ‘starter’ trailers, meant for temporary, not long term use. This is because these types of caravans are all that can be afforded on the little amount supplied for caravan purchase. As such, essential amenities such as insulation, access to water and plumbing facilities and electricity are often not included in these

17 See bibliography.

structures. According to one focus group participant,

The majority of caravans outside the Dublin area are only starter caravans. Plain, do you know, like there's no insulation, the windows aren't draft-free or anything like that. There's no water, there's no electric, and there's nothing like that even on the official sites or the unofficial sites. There's none of the ordinary amenity things that you need.

The extent to which these 'plain' or starter types of caravans are underserviced was highlighted by another participant: *'the water's been running in the inside, the condensation. There's no plumbing in them, there's probably no heating in them, only a gas fire.'* These conditions can have direct consequences on physical health and wellbeing – and living with high levels of mould and dampness may cause respiratory issues. In addition, maintaining heat in such conditions can be extremely costly and poses a high risk of fire as a result of the gas and oil paraffin overheating (NT MABS 2019). The alternative is that many 'chose' to go without heating at all (we return to this point in Section 3.3).

As a result of these conditions, in our research we found that some argued for an increase in loan amounts. More money would allow for Travellers to access caravans that are better equipped. One consultative interviewee Doreen Carpenter¹⁸ from the Clondalkin Traveller Development Group stressed the need for 365 weather-resistant-style caravans (made of material that resists exposure to a range of weather condition such as sunlight, heat, and humidity). The need for these structures to include specific features such as weather-glazed windows, weather-glazed doors, better insulation, proper central heating, and access to electricity was also reiterated by many focus group participants.

Along a similar line, in its commissioned review of the Caravan Loan Scheme in 2017, the Housing Agency recommended that there is a need to *'maintain, improve and expand the current scheme*

of loans and grants offered by local authorities to Travellers for the purchase of caravans' (Housing Agency 2017, 62). This recommendation entailed that an expansion of the Caravan Loan Scheme would provide more money to purchase a caravan that is in newer and better condition. In addition, the review recommended that there be a 'national procurement framework' to ensure that the caravans purchased would be of adequate quality and value for money (Housing Agency 2017, 62). The report also advocated for expanding the Caravan Loan Scheme to allow for particular provisions for large families, including allowing larger families to access higher loan amounts as well as longer repayment periods. We continue to expand upon this recommendation in Section 5.

The condition of caravans and the daily experiences of living in structures that were designed for temporary use was a recurring theme in the research. We continue to expand on these topics in the following sections on overcrowding and cost and access to amenities.

18 Name included with permission.

3.2 OVERCROWDING

Directly connected to issues of substandard caravan conditions is the issue of overcrowding. As mentioned in Section 1, caravan conditions are especially inadequate given that the average household makeup of a Traveller family is often much larger than that of the general population. According to the 2016 Census, the household makeup for Travellers and settled families differed in several ways. For example, ‘there were more than 3 times as many multiple family Traveller households (4.2% compared with 1.3%), more lone parents with children (17.9% compared with 11.7%) and fewer married couples without children (8.9% compared with 15.7%)’ (Central Statistics Office, 2016).

Overcrowding is reported to be common in many mobile home or trailer settings (Watson et al 2017). Many participants in the focus groups echoed this point, and indicated that, for the Traveller community, this is largely due to culture and family size. According to one focus group participant, in a single, two-room caravan: ‘there could be six children and two adults.’ She continued:

We do manage because this is our way of living even when we went to [social] houses... but it'd be nice to manage on an official site—to be comfortable. Just to be comfortable and have the facilities and the amenities that you need, do you know what I mean?’

Many participants in the focus group articulated the importance of living close to ‘family’: ‘Travellers are very family orientated, we depend on family.’ This echoes recent research that found that 3 in 4 Travellers living in Ireland currently live close to their immediate family and consider this ‘very important’ (O’Mahon, J. and Associates 2017, 63). The central value of the family unit (including extended family) in traditional Traveller culture is also an important reason why many seek to remain living in caravans and on halting sites: these persons wish to live in close proximity with other family members.

In addition, family size and life can also be expensive – as overcrowding can oftentimes lead to increased burden of costs for fuel and heat (we discuss this further in the following section on barriers to amenities). In particular, it is reasonable to assume that energy and utility costs are higher where there are more people living under a single roof. Currently, the Caravan Loan Scheme in general does not make allowances for family size, a distinct difference from the assessment of households in applications for social housing.

As is evidenced, stories shared by participants exposed serious issues with how current caravan living conditions present challenges to health and safety. This only makes more urgent the need to address the Caravan Loan Scheme and Traveller-specific accommodation. We continue this discussion in the next section on access to amenities.

3.3 COST AND ACCESS TO AMENITIES

This section explores how the quality of a caravan has a direct impact on energy use and the cost of general upkeep. For example, poorly maintained caravans are significantly less energy-efficient, using a substantial amount of resources such as water, fuel and electricity. According to a MABS-commissioned study by Stamp et al (2017), Travellers living in caravans spent 21% more of their income on fuel than other respondents (Stamp et al 2017). Unsurprisingly, caravans made of low-quality materials indirectly place financial burdens on Traveller families because they must cover the extra energy costs necessary to live in such conditions.

The 2019 NT MABS report entitled *Accommodating Ethnicity: Addressing Energy Poverty Among Travellers Living in Mobile Homes and Trailers* stated that 72.3% of Travellers reported ‘going without heat through lack of money in the previous 12 months’ (MABS 2019, 47). This is a particular concern and one that deeply impacts people’s lives and wellbeing, in particular during colder months – as going without heat is a significant indicator of poverty. According to the NT MABS report,

Lack of income can lead directly to having to go without conventional necessities, or what is commonly referred to as ‘enforced deprivation’, as a result of lack of money. Two indicators of such deprivation used to identify the extent and characteristics of consistent poverty across Ireland, are as follows:

- i. Going without heating at some stage in the last year through lack of money, and*
- ii. Being unable to keep the home adequately warm as cannot afford it¹⁹.*

In this section, we discuss the main issues that arise due to lack of access and the ability to afford proper amenities. We disclose the specific comments from the focus group participants as they relate to the following three themes: the impact of lack of amenities on families, the challenge of

‘doubling up’ and the unsafe practices of installing access to amenity resources unofficially.

1. Impact on families

During our focus group, one participant expressed how her son tackles the challenge of how to heat a caravan during winter months:

‘I know my son, now, he has a stove in the trailer and when the winter comes, he’s up to nearly four bags of coal a week and he’d have to get up at six o’clock in the morning or four—it depends how cold it is.’

Another participant continued and discussed the particular hardships faced by families with small children:

‘The majority of people are sitting in the caravans and majority are young families, so they’re families with small children or families with babies... So, they have to keep going in and out for the water for bottles and everything like that. They’ve no electricity for lights in the night time, they’ve no heating facility for the babies, do you know what I mean?’

The importance of safe and well-serviced living conditions is heightened in households with small children, especially infants. Another participant shared that after her daughter had a baby, she worried about the gas fire getting out of control during the night: ‘It was a worry for me because I had to keep ringing her to make sure. You’d rather freeze than burn. It’s hard like that.’ This participant’s tone of acceptance indicated that perhaps her worrying over a grandchild in this way was ‘normal’ or commonplace.

2. The challenge of ‘doubling up’

In addition, many participants voiced how they allow their children to park their caravans or trailers in the backyard of their house issued by the local authority. This appears to be a common scenario for many Travellers and a situation that

the focus group participants called ‘doubling up’. In these circumstances, even though this is technically not permitted, the local authority is aware there are two households on the property and therefore collect additional rent payments based on the number of occupants. However, they do not issue two fuel allowances. This is due to the fact that the trailer is not viewed as its own residence. According to one participant,

‘They have to look after everything themselves [living in] a trailer in the back of my yard – and it could be a son or daughter and even though they’re being charged rent, they don’t have an electricity supply, [they] don’t have a water supply so they use all the facilities in my house. Which means there’s a cost to me because I’m paying for [the] electric. I’m paying for water. I have the washing machine. I have the dryer. So, they’re coming and using all my facilities in the house because you don’t have them [in their trailer].’

Reinforcing how common this circumstance is, another woman from a different focus group noted as follows:

‘Doubling up’ is happening an awful lot because of the housing situation. And there’s no Traveller that’s going to say to their child ‘Oh I don’t want you to stay’...Travellers are very family orientated...and that’s just how it is. You do anything you can [to help].’

In these circumstances, the focus group participants expressed feelings that many in the Traveller community would rather manage living in these conditions, and take on the burden of providing space for members of their family in trailers outside their homes, than see a family member needing to access emergency accommodation facilities for homeless people.

3. Supplying own amenities ‘unofficially’

In addition, in some circumstances local authorities

do not assist Travellers in accessing amenities, in particular on unregulated halting sites, and they therefore must set up their own. This leaves Travellers to install their own utilities at their own personal risk, which may add a layer of danger to themselves and their families:

Travellers are getting people in to supply their own [electricity], which is quite dangerous. They might not be qualified, they might not have given a cert—so if a trailer goes up in a fire you know, who’s held responsible then? Because [the Council] is not prepared to give them [electricity] even though they’re paying the rent. So, what are they paying rent for? I can’t understand it.

According to the participants in this research, currently many Travellers live in caravans that are in poor conditions that are only worsened as a result of the lack of decent amenities. According to one participant, seeing families living in caravans with ‘no water no electricity, no proper lighting, and babies wrapped up all night’ is commonplace. We posit in this research that there is a connection between these conditions and the inadequate and substandard conditions of caravans received from the Caravan Loan Scheme as well as other means. These circumstances add an additional layer of financial burden on members of the Traveller community who seek to maintain their indigenous cultural traditions of ‘caravan living’. These burdens are particularly apparent in terms of the capacity to access fuel and energy and as such maintain a safe and comfortable home. We continue this discussion in the following section, as we discuss one of the most substantial obstacles to the proper implementation of the Caravan Loan Scheme: lack of awareness.

3.4 BARRIERS TO ACCESSING THE CARAVAN LOAN SCHEME

The inconsistent way the Caravan Loan Scheme has been implemented from local authority to local authority has resulted in an overall lack of awareness of its existence amongst members of the Traveller community. As mentioned in Section 1, only 13²⁰ counties in all of Ireland operate the Caravan Loan Scheme to date, and many of them have been suspended from local authorities for a variety of reasons, such as a lack of uptake on the part of the Traveller community and arrears of rent (Holland 2018; Housing Agency 2017). The absence of set rules or standardised regulations has also created confusion and misinformation – and those who apply for the Caravan Loan Scheme may experience bureaucratic barriers that make the Caravan Loan Scheme an unattractive means of obtaining a loan.

In one stakeholder interview, Bridgie Casey²¹ of Irish Traveller Movement asserted that many Local Traveller Accommodation Consultative Committees (LTACC) did not know of the Caravan Loan Scheme at all when asked during last year's National Traveller Accommodation Consultative Committee gathering. This demonstrates how relevant actors may not have engaged meaningfully on the different strategies and projects at work to facilitate more effective Traveller-specific accommodation in the years since the adoption of the Housing Act 1998. In fact, Casey said that several women who had been actively involved in the Wicklow Travellers Group for years had never heard of the Caravan Loan Scheme.

According to this research and the focus groups conducted in both Dublin and Wicklow, all participants expressed that there had not been an instance in which, to the best of their knowledge, their local authority published or disseminated any information regarding the Caravan Loan Scheme and how to avail of it. Our interviews with Traveller organisations revealed that it is only through Traveller-specific groups or services, such as social welfare, as well as friends and family that Travellers

have historically found out about the Caravan Loan Scheme. As such, it would appear that word-of-mouth and 'hearsay' are the main methods in which Caravan Loan Scheme information is shared.

Many participants in the focus groups maintained that *'everyone knows somebody'* that has participated in the Caravan Loan Scheme, but these persons are reluctant to talk about it. This played out in our research in terms of the challenge of acquiring much feedback on the Caravan Loan Scheme from questionnaires we distributed to over 20 Traveller organisations in the Dublin and Wicklow areas. We received four completed questionnaires. When asked if many members of the community knew about the Caravan Loan Scheme or ever discussed it, one participant replied that there was: *'Sort of a whisper. I knew about it, but it wasn't a big thing.'*

In addition to lack of overall awareness, another barrier to access that emerged in the focus groups related to the required prerequisites for acquiring a loan – which can create unforeseen barriers unique to members of the Traveller community. For example, some participants expressed difficulty in providing proof of a current address, which can be difficult or often risky to disclose due to the nature of unofficial halting sites or illegal parking zones. In our research, we found that stories like these are often circulated throughout the community as anecdotal justifications for steering away from these loans in the first place.

As such, obstacles and stories of unsuccessful attempts at obtaining loans has made communities, according to one participant, *'despondent'* in relation to the Caravan Loan Scheme. When asked if people are wary of the Caravan Loan Scheme, many in the focus group said that this was the case. As one participant stated: *'They [members of the Traveller community] think: what's the use?'*

As a result of our findings for this project and engagement with the Traveller community, we are able to observe a slight contradiction - many

²⁰ Based on CLM review completed October 2019

²¹ Name included with permission.

local authorities maintain that they have stopped offering the Caravan Loan Scheme because of an overarching lack of interest in the Traveller community (Housing Agency 2017), while members of the Traveller community maintain they were not even aware of the Caravan Loan Scheme in the first instance. In this report, we call for an expansion of the Caravan Loan Scheme and, along these lines, maintain that accurate information on the Caravan Loan Scheme is disseminated directly to Travellers. There is also evidence that there is a need for clarity in terms of whether or not the Caravan Loan Scheme will penalise Travellers who are applying for the Caravan Loan Scheme for living on unofficial sites. We continue to discuss this point in the following section, as we outline the importance of including Travellers themselves in the design and implementation of the Caravan Loan Scheme moving forward.

3.5 DISILLUSIONED WITH CIVIC ENGAGEMENT

An additional theme that emerged from the data collection was the feeling from participants that, for the most part, members of the Traveller community have been excluded from decision-making processes that directly affect their lives. Given the current housing situation, there appears to have been minimal engagement in the past with the Traveller community or Traveller organisations on how local councils and governments can best adopt measures to directly address growing concerns. These issues with civic engagement result in feelings of disillusionment with current political actors and systems that are seen to further stigmatise, rather than include, members of the Traveller community.

For example, while Local Traveller Accommodation Consultative Committees (LTACCs) have been established, according to some of our participants relevant issues *'aren't brought to the table'*. The participants expressed feelings of frustration and asked why their perspectives have not been included in decisions on schemes and options in terms of accommodation. We posit that inclusion in these discussions would also assist in establishing culturally-appropriate options, such as expanding the Caravan Loan Scheme to also include a 'rent' or a 'rent to buy' scheme (further outlined in Section 5). Participants also expressed feelings of disillusionment with the current political structures. As one participant noted: *'Why are we voting for the TDs who won't do anything for us?'*

It should be acknowledged that there has been substantial activity in the political domain in terms of recognising the current housing issues faced by the Traveller community in Ireland. For example, a Report of the Oireachtas Committee on Housing and Homelessness acknowledged that *'a disproportionate number of Travellers are living in substandard accommodation.'* It continued by recommending that: *'No Travellers should be evicted from a Traveller specific site until alternative accommodation is provided'* (Oireachtas Committee 2016, 119 and 121). However, what are these forms of 'alternative

accommodation'? If this is a conventional house, what happens when people would prefer to stay on halting sites? The participants in our research maintain that this political recognition of the issues at hand does not necessarily go far enough.

A persistent theme in the research is how participants continue to call for true political action to recognise the culturally-specific needs of Travellers. As one focus group participant maintained, *'There has to be some kind of encouragement among the elected representatives.'* At every level of data collection for this project, focus group participants and representatives from Traveller-centred organisations cited that they had previously interacted with politicians to address the dire living situations and rising accommodation costs for Travellers, specifically those living in caravans, and that nothing had changed.

There were also concerns that the Caravan Loan Scheme, as well as other Traveller-specific funding to be distributed to the discretion of the local authorities, is more of a check box exercise than anything else. According to one participant,

'I think they just have it there to say that they have it...but if you looked into it to see how many people [are] accessing it and getting results from it, they'd be very low.'

Along this similar line, participants echoed sentiments in the public domain concerning the lack of spending by local authorities on the Traveller-specific accommodation options. While, as we mentioned in Section 1, the Caravan Loan Scheme is seemingly not directly funded through this same resource, it reveals an overarching reluctance of local authorities to invest in the wellbeing of their local Traveller community. According to one focus group participant,

'[A local authority] sent it back [the money for building Traveller accommodation]. It wasn't spent on the Travellers...'

This observation corresponds with recent

research that demonstrated that *'So far this year [2019], 17 local authorities have not drawn down any of the €13 million provided and €1.84 million has been spent'* (Holland 2019).

The underspending of local authority budgets on culturally appropriate housing options has, according to our research, further exacerbated feelings of cynicism and disappointment towards the political establishment by some members of the Traveller community. As one participant in our focus group noted, *'I don't know what it's going to take for the government to understand.'*

In terms of political participation, the establishment of LTACCs was intended to provide direct pathways of inclusion for the Traveller community. Yet, according to the participants for this project, the lack of participation and the breakdown of communication further embed the problems and feelings of exclusion. In Section 5 we continue to expand on one of the central recommendations of this report concerning the importance of including members of the Traveller community in addressing accommodation issues and designing policy going forward.

3.6 RESEARCH EXHAUSTION

The final thematic finding that emerged during our discussions with members of the Traveller community for this project included overarching sentiments of exhaustion with the vast amount of research conducted on the socio-economic wellbeing of Travellers in recent years. In particular, participants in the focus groups noted that while a number of reports have touched upon current issues with Traveller-specific accommodation including the Caravan Loan Scheme, there has been little to no substantial change in the daily lives of Travellers as a result of this research.

Indeed, several reports have recently documented the lived experiences of the Traveller community – several from academia²² as well as the national organisations and civil society stakeholders we have cited repeatedly throughout this report. For example, in terms of the overlap of housing and discrimination, the 2015 National Traveller MABS report states that Travellers are 22 times more likely than settled Irish people to experience discrimination in housing (NT MABS 2015, 14 and 3). In terms of delivery of Traveller housing, in 2019 Pavee Point outlined that only 982 of 2200 proposed Traveller-specific accommodation had been delivered by 2017. This is in stark contrast to the numbers for regular housing (Pavee Point 2019).

However, from the viewpoint of the participants in our study, all this research has led to very little action. For example, as one focus group participant noted,

‘All the reports are there. All the statistics are there about accommodation, education, all of the issues, we can’t write any more reports. People really are sick to death of the same reports of the same thing. The facts are there.’

For some participants, the lack of action in the face of facts concerning the current living conditions of the Traveller community in Ireland creates feelings

of deep disappointment and even abandonment. According to one focus group participant:

*‘[Those outside the Traveller community think] we can live without water and basic human rights; they don’t give a sh*t.’*

According to the participants for this project, the practical shortcomings of the Caravan Loan Scheme are part of a broader narrative that reveals the lack of decent, culturally appropriate housing options available for Travellers living in this country. The members of the Traveller community we spoke with expressed several clear and intersecting themes concerning how the Caravan Loan Scheme is currently not meeting the needs of this ethnic minority group. These themes pertained to the practical ways in which the Caravan Loan Scheme has been falling short, such as the amount of money allotted to those who access the Caravan Loan Scheme, the lack of awareness of the Caravan Loan Scheme’s existence and the difficulty in covering the associated costs of heating and maintaining a caravan that is not adequately suited to large families and year-round use. In addition, discussions of the Caravan Loan Scheme were also contextualised within wider issues and concerns: in particular, a disillusionment with the role and will of political actors and local authorities to assist Travellers as well as an exhaustion with research initiatives that have produced little to no actual change in the day-day lives the Traveller community in Ireland.

We continue to expand upon these findings in the following Sections of this report, as we outline the practical recommendations that emerged from the research, as well as identifying the key policymakers and institutional bodies whose commitment is required to reform the Caravan Loan Scheme.

²² For more: See Allen 2012; Coates et al 2008; Hourigan and Campbell 2010; Mcgorrigan et al 2011

4. HUMAN RIGHTS ANALYSIS OF TRAVELLER ACCOMMODATION IN IRELAND

KEY FINDINGS

Constitutional equality guarantee

Taking account of the State's recognition of Traveller ethnicity, there are strong arguments that the constitutional equality guarantee should be viewed in light of Ireland's international obligation to respect Traveller culture and to guard it against assimilation. Strict equality between Travellers and settled people does not take account of the differences between the respective cultures, and creates the risk of gradual involuntary assimilation into the majority population.

Mandatory obligations

While section 25 of the Housing Act 1998 is framed in discretionary terms, case law indicates a discretion power can be a mandatory obligation in certain circumstances.

Rational and reasonable manner

The Court has held that a Housing Authority has a duty to perform its functions under the Housing Acts in a rational and reasonable manner. This duty therefore also applies to section 25 of the Housing Act 1998.

Absence of a Rental Scheme

There is no formal provision whereby a caravan can be rented to a Traveller household on the same basis that a dwelling is rented to a settled family. This situation, coupled with the inadequacy and unavailability of the Caravan Loan Scheme, compels Travellers to choose between nomadism and risk homeless or to opt for non-Traveller specific accommodation, leading to forced assimilation with the majority population.

The public sector duty

The role of the Irish Human Rights and Equality Commission in supporting public bodies in meeting their responsibilities under section 42 of the Irish Human Rights and Equality Commission Act 2014 might be utilised to educate public sector officials about Traveller ethnicity and culture, and to explain the necessity to protect Travellers against involuntary assimilation.

4.1 WHAT PROTECTIONS EXIST?

4.1.1 The Constitutional Guarantee of Equality

The Constitutional guarantee of equality before the law in Article 40.1 of the Irish Constitution provides that “*All citizens shall, as human persons, be held equal before the law.*”

The Constitutional guarantee of equality before the law in Article 40.1 entitles Travellers to be treated equally to the settled majority in the provision of housing support. This means not only that Travellers are not treated less favourably than settled people, but it also requires that rules which are ostensibly neutral should not in practice place Travellers at a disadvantage. As noted, in O’Donnell J noted in *Murphy v. Ireland*:

*The principle of equality in general terms requires that like persons should be treated alike, and different persons treated differently, by reference to the manner in which they are distinct*²³

Effect is given to Article 40.1 through the Equal Status Acts 2000-2015, which are also intended to transpose the EU Race Equality Directive, 2000/43/EC.

The concept of equality in the provision of culturally appropriate accommodation is important. Strict equality between Travellers and settled people does not take account of the differences between the respective cultures, and in particular, the part played by nomadism in Traveller culture. As Travellers’ rights organisations have warned, failure to adapt the apparatus of the State to accommodate Traveller culture inevitably risks their gradual involuntary assimilation into the majority population.²⁴

4.1.2 The Right to Housing

There is no explicit right to housing in Irish law. Instead, the legislation and case law provide substantive and procedural rights in relation to

housing. For instance, as will be discussed below, it was established through the *Meath County VEC v. Joyce*,²⁵ that a housing authority has a duty to perform its functions under the Housing Acts in a rational and reasonable manner.

4.1.3 European Convention on Human Rights Act

A further level of protection is afforded by the European Convention on Human Rights (the Convention), which is incorporated into domestic law by the European Convention on Human Rights Act (the ECHR Act). Section 3 of the ECHR Act requires that organs of the State perform their functions in a manner compatible with the State’s obligations under the Convention. These obligations include the duty in Article 14 ECHR to secure enjoyment of the rights and freedoms in the Convention ‘*without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.*’

4.1.3.1 Ireland’s International Obligations and Recognition of Traveller Ethnicity

Ireland’s international treaty obligations are important normative guides for Irish courts in the interpretation of domestic rules, and in particular, of the personal rights guarantees in the Constitution.²⁶

On 1 March 2017, the State formally recognised the Traveller Community as an Ethnic Group. In *Mongan v. Clare County Council*²⁷, the High Court observed that the Taoiseach’s statement was not legislation and that, in that sense, it did not have legal effect.

However, in the context of these international treaty obligations, the Government’s recognition on 1 March 2017 of Travellers as an ethnic group distinct from the majority population is of more than symbolic significance, because it imports into our consideration of the constitutional rights of Travellers the prevailing ideas of international

²³ [2014] 1 IR 198, 227-229

²⁴ see Pavee Point ‘Assimilation Policies and Outcomes: Travellers’ Experience’ December 2005.

²⁵ [1994] 2 ILRM 210

²⁶ *MX v. Health Service Executive* [2012] 3 IR 254, 282; *DPP v. Gormley and DPP v. White* [2014] 2 IR 591, 609 and 615; *NHV v. Minister for Justice and Equality* [2018] 1 IR 246, 315-316.

²⁷ [2017] IEHC 709

human rights law as regards the protection of minorities against involuntary assimilation.

4.1.3.2 Council of Europe Framework Convention on the Protection of National Minorities 1995

The Council of Europe Framework Convention on the Protection of National Minorities 1995 ('European Framework Convention') provides, in Article 5:

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity; namely their religion, language, traditions and cultural heritage.*
- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Although Travellers do not self-identify as a 'national minority' and the State does not consider them one, the State has, since ratification of the European Framework Convention in 1999, agreed that the provisions of the Convention should be observed with respect to them on a *de facto* basis.

4.1.3.3 The European Social Charter

The European Social Charter is a Council of Europe treaty that guarantees fundamental social and economic rights. It guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare.

In its decision on the merits in *European Roma Rights Centre (ERRC) v. Ireland*²⁸, the European Social Committee referred expressly to the fact that some housing authorities do not operate the Caravan Loan Scheme as evidence of

Ireland's failure to comply with Article 16 of the Charter, which guarantees the right of the family to social, legal and economic protection.

4.1.3.4 The International Covenant on Civil and Political Rights 1966

The International Covenant on Civil and Political Rights 1966, which was ratified by Ireland in 1989, contains, in Article 27, an obligation to respect cultural rights of ethnic minorities:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

4.1.3.5 The International Covenant on Economic, Social and Cultural Rights 1966

Article 15 of the International Covenant of Economic, Social and Cultural Rights 1966 ('ICESCR') guarantees on the part of everyone a right to take part in public life. Ireland ratified the ICESCR in 1989. The Committee on Economic, Social and Cultural Rights has interpreted Article 15 as implying a right freely to choose one's own cultural identity, to belong or not to belong to a community, and to have one's choice respected. According to the Committee, this includes the right not to be subjected to any form of discrimination based on cultural identity, exclusion or forced assimilation: see Committee on Economic, Social and Cultural Rights, General Comment 21.²⁹

In its Concluding Observations on Ireland's performance of its obligations under the ICESCR in 2002, and again in 2015, the Committee urged the State to take steps to provide Travellers with culturally-appropriate accommodation in consultation with them and to ensure that the funding allocated to Traveller housing at the local level is fully and appropriately spent to this end.³⁰

²⁸ Comp No 100/2013, 1 December 2015

²⁹ 21 December 2009, UN Doc E/C.12/GC/21, paragraphs 48-49

³⁰ See Committee on Economic, Social and Cultural Rights, Concluding Observations on Ireland, June 2002 and 8 July 2015, UN Docs E/C.12/IRL/CO/3 (paragraph 27) and E/C.12/1/Add.77 (paragraphs 32-33)

4.1.3.6 UN Convention on the Elimination of All Forms of Racial Discrimination

Ireland has been a State Party to the UN Convention on the Elimination of All Forms of Racial Discrimination ('UNCERD') since 2000. Article 5 UNCERD obliges States Parties to guarantee to everyone without distinction as to race or ethnic origin, rights including the right to housing. The Committee on the Elimination of Racial Discrimination has made it clear that *'policies of forced assimilation amount to racial discrimination and constitute grave violations of the Convention.'*³¹

are not the same, and that Traveller culture — including Traveller nomadism — must be positively accommodated and supported by the law.

4.1.3.7 UN Convention of the rights of the Child 1990

A similar obligation to that in Article 27 ICCPR is contained in Article 30 of the UN Convention of the Rights of the Child 1990 (UNCRC):

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

4.1.3.8 Conclusion

The Constitution is *'a living document'* which *'falls to be interpreted in accordance with contemporary circumstances including prevailing ideas and mores'*: see *McGee v. Attorney General*.³² Taking account of the State's recognition of Traveller ethnicity, there are strong arguments that the constitutional equality guarantee should be viewed in light of Ireland's international obligation to respect Traveller culture and to guard it against assimilation.

This interpretation requires that statutory and administrative schemes conferring benefits on citizens must treat Travellers no less favourably than settled people while at the same time recognising that the needs of Travellers and settled people

³¹ See for example Committee on the Elimination of Racial Discrimination, Concluding Observations on Turkmenistan, 27 March 2007, UN Doc CERD/C/TKM/CO/5, paragraph 12

³² [1974] IR 284.

4.2 A LEGAL ANALYSIS OF THE CARAVAN LOAN SCHEME

4.2.1 The Legal Landscape

4.2.1.1 Section 13 of the Housing Act 1988:

Section 13 of the Housing Act 1988 provides that:

(1) *This section applies to persons belonging to the class of persons who traditionally pursue or have pursued a nomadic way of life.*

(2) *A housing authority may provide, improve, manage and control sites for caravans used by persons to whom this section applies, and may carry out any works incidental to such provision, improvement, management or control, including the provision of services for such sites.*

(3) *Section 56 (2) of the Principal Act shall apply in connection with the provision of sites under this section as it applies in connection with the provision of dwellings under that section.*

(4) *A housing authority may, in respect of the use of a site provided by them under this section or of any services or facilities provided or made available in connection with such a site, make such charges as the authority see fit.*

(5) *Any charge due to a housing authority under subsection (4) shall be recoverable by them as a simple contract debt in any court of competent jurisdiction.*

(6) *In this section “caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether by towing or transport on a vehicle or trailer, and includes a motor vehicle so designed or adapted and a mobile home, but does not include a tent.*

Case law such as the *University of Limerick v Ryan*³³ and *Ward v South Dublin County Council*³⁴ established that there is an obligation on local authorities to provide serviced halting sites. However, section 13 does not explicitly provide for an obligation on the part of local authorities to provide a caravan

4.2.1.2 Section 25 of the Housing (Traveller Accommodation) Act 1998

Section 25 of the Housing Act 1998 provides:

(1) *Subject to subsection (2), a housing authority may make a loan for the—....(b) acquisition of land for the purpose of providing a site and any construction works required for such purpose.*

(2) *The Minister shall, with the consent of the Minister for Finance, specify terms and conditions for loans made under subsection (1).*

(3) *Subsections (2) to (14) of section 11 of the Act of 1992 shall apply, to such extent as may be appropriate and with any necessary modifications, to a loan made under this section.” (emphasis added).*

The current Caravan Loan Scheme was launched as a pilot scheme in 2000 by the now Department of Housing, Planning, Community and Local Government under section 25 the Housing Act 1998.

4.2.2 Access to the Caravan Loan Scheme

As outlined throughout the report, access to a Caravan Loan Scheme is not consistent throughout the country and many local authorities do not operate a Caravan Loan Scheme. The legislation noted above, in particular section 25 of the Housing Act 1998, is framed in discretionary terms meaning that under the legislation there is no requirement on a local authority to operate a Caravan Loan Scheme.

³³ (Unreported, High Court, 21st February, 1991)

³⁴ [1996] 3 IR 195

However, there may be circumstances in which the power afforded to housing authorities to make loans under section 25 could be considered by a Court to be mandatory obligation, and that where a housing authority declines to offer loans, it breaches its statutory duty to Traveller households which are adversely affected.

In the case of *O'Donnell and Others v. South Dublin County Council*,³⁵ which involved the Housing Authority's use of its discretionary powers under section 10 of the Housing Act 1988, the Supreme Court held that the exceptional circumstances of the case were sufficient to fix the housing authority with a duty under section 10 of the Housing Act 1988, which concerns emergency homeless accommodation. This duty arose notwithstanding the fact that section 10 is couched in permissive language:

If, in an exceptional case such as this, statutory powers are given to assist in the realisation of constitutionally protected rights or values, and if powers are given to relieve from the effects of deprivation of such constitutionally protected rights, and if there are no reasons, constitutional or otherwise, why such statutory powers should not be exercised, then I think such powers may be seen as being mandatory.

In reaching this conclusion, the Supreme Court relied on the judgments of the High Court in *University of Limerick v. Ryan*³⁶ and *O'Brien v. Wicklow Urban District Council*³⁷ These cases concerned section 13 of the Housing Act 1988, which is also phrased in discretionary terms.

In both *Ryan* and *O'Brien*, the High Court held that the housing authority was obliged to provide halting sites for the plaintiffs, as section 13 was designed to assist in the realisation of Travellers' constitutional rights.

What was held by the Supreme Court in respect of section 10 of the Housing Act 1988, and by the High Court in respect of section 13 of the same Act, may equally be said of section 25 of the Housing Act 1998. It is a statutory power given to assist in the realisation of the rights of Travellers, it is designed to provide relief against deprivation of those rights, and there appears to be no objective or persuasive reasons why the power ought not to be exercised. In those circumstances, it is arguable that the power afforded to housing authorities to make loans under section 25 may, in the appropriate case, be interpreted as a mandatory obligation, and that where a housing authority declines to offer loans, it breaches its statutory duty to Traveller households which are adversely affected.

4.2.3 Operation of the Caravan Loan Scheme

Efforts have been made to persuade the Courts to interpret housing statutes in a manner that permits the provision of culturally appropriate accommodation to Travellers have not always yielded favorable results. For instance, in *Doherty v. South Dublin County Council (No 2)*³⁸, the High Court was asked to interpret section 10 of the Act of 1988 in light of Article 8 ECHR as obliging the housing authority to provide a caravan rather than a house to an elderly Traveller couple. Relying on the European Court of Human Rights cases of *Chapman v United Kingdom*³⁹ and *Codona v United Kingdom*⁴⁰, the Court held that a nomadic lifestyle did not give rise to an automatic duty on States to intervene in favour of preserving this way of life under the ECHR.

However, if the State has a power, which it can exercise, it should do so in a rational and reasonable manner. In *Meath County VEC v. Joyce*⁴¹, the High Court (Flood J) held that the housing authority had a duty to perform its functions under the Housing Acts in a rational and reasonable manner. The duty to perform its functions in a rational and

³⁵ [2015] IESC 28

³⁶ Unreported, Barron J, 21 February 1991

³⁷ Unreported, Costello J, 10 June 1994.

³⁸ [2007] 2 IR 696

³⁹ (2001) 33 EHRR 399

⁴⁰ App No 485/05, 7 February 2006

⁴¹ [1994] 2 ILRM 210

reasonable manner could equally be applied to the performance of a housing authority's functions under section 25 of the Housing Act 1998.

4.2.4 Absence of a Rental Scheme

Section 19 of the Housing (Miscellaneous Provisions) Act 2009 provides a statutory basis for the provision of social housing support in the form of dwellings. Traveller-specific provision is limited, essentially, to the provision of halting-sites, group housing schemes and the Caravan Loan Scheme.

There is no formal provision whereby a caravan can be rented to a Traveller household on the same basis that a dwelling is rented to a settled family.⁴² This situation, coupled with the inadequacy and unavailability of the Caravan Loan Scheme discussed above, forces Travellers to choose between nomadism and risk homeless or to opt for non-Traveller specific accommodation, with the result that Travellers are inevitably diverted away from a nomadic lifestyle in a manner amounting to involuntary assimilation.

Further, the requirement that caravans purchased under the Caravan Loan Scheme be berthed in a halting site bay provided by the local authority or another 'acceptable' location is difficult to reconcile with the nomadic aspect of Traveller culture.

4.2.5 The Public Sector Duty

Analysis of the Caravan Loan Scheme reveals negative attitudes in the public sector as regards Traveller accommodation. The fact that the Scheme has not been reviewed since 2000, and that it is absent in many local authority areas demonstrates that, the State's commitment to Traveller human rights in this area has been and continues to be lacking in particular in understanding of nomadic ways of life.

The public sector duty contained in section 42 of the Irish Human Rights and Equality Commission Act 2014 has, as its purpose, to increase awareness of human rights and equality issues across the public service, and to ensure that a human-rights-based

approach is mainstreamed into administrative policy and decision-making. It requires that public bodies (a) assess the human rights and equality issues relevant to their functions and purposes; (b) set out their policies, plans and actions to address those issues; and (c) report on developments and achievements in that regard in their annual reports. While section 42(11) expressly states that the section does not create any new cause of action, it is nevertheless a valuable mechanism by which anti-Traveller attitudes in the public service can be changed.

The role of the Irish Human Rights and Equality Commission in supporting public bodies in meeting their responsibilities under section 42 might be utilised to educate officials about Traveller ethnicity and culture, and to explain the necessity to protect Travellers against involuntary assimilation.

⁴² Although it should be noted that some local authorities do operate de facto caravan rental schemes.

5. RECOMMENDATIONS BASED ON THE RESEARCH

In this section, we outline the key recommendations that emerged from our research on the Caravan Loan Scheme and conversations with members of Traveller community. These recommendations outline immediate and specific action that we believe should be taken to address the inadequacies of the Caravan Loan Scheme and the broader health, safety and financial implications associated with the Caravan Loan Scheme as it currently operates. We also find that many of our recommendations complement previous research on the Caravan Loan Scheme, and we include discussion of these reports in this section.

The following key recommendations emerged from the research:

- ▶ Recommendation 1: Revise and Expand the Caravan Loan Scheme
 - ▶ Include a 'rent' or 'rent to buy' option
 - ▶ Increase loan amounts based on family size and need
- ▶ Recommendation 2: Implement standardised protocol for accessing the Caravan Loan Scheme
- ▶ Recommendation 3: Allocate resources to improve conditions in halting sites
- ▶ Recommendation 4: Investigate the underspend
- ▶ Recommendation 5: Support Traveller cultural awareness training for stakeholders

Recommendation 1: Revise and Expand the Caravan Loan Scheme

As a matter of law, it would be open to the Minister for Housing, Planning and Local Government to revise the terms of the Scheme by issuing an amended Circular under section 25(2) of the Housing Act 1998.

We posit that the Caravan Loan Scheme should be expanded in order to better incorporate the needs of members of the Traveller community. A revised and expanded Caravan Loan Scheme should also operate in a manner which is reasonably and rationally connected to its objectives and ensure that it is being operated in compliance with our constitutional and international obligations and our recognition of Traveller Ethnicity to provide culturally appropriate accommodation to Travellers.

While the primary findings of this project revealed that, at the moment, the Caravan Loan Scheme is more or less ineffective, we posit that an expansion of the Caravan Loan Scheme would result in greater uptake from the Traveller community – as well as greater support by local authorities. In particular, this action would help counteract persistent issues of financial exclusion that remain prevalent within the Traveller community. Below, we illustrate two ways the Caravan Loan Scheme could be expanded:

1. Include a 'rent' or 'rent to buy' option

The findings of our research correspond with those of the recent 2019 NT MABS report on the need for the State to invest in quality caravans for renting:

[A social rental/rent to buy scheme] would involve the State purchasing quality standard, environmentally efficient accommodation, and then renting these as homes - possibly as part of a right to buy or shared-ownership scheme—to those who wish to continue to practice nomadic living in the context of recognised Traveller ethnicity (NT MABS 2019, 50).

Such an initiative would serve to both recognise and support the cultural appropriateness of Traveller life in trailers as well as providing sufficient space for halting sites. One focus group participant discussed how this scheme could serve the needs of the community:

If there's a trailer loan scheme there, they could make it very easy for Travellers to access it - And especially for the younger generation that doesn't want to go into [the private rental sector], doesn't want to leave their extended family... in the area. [It should] give them a good quality trailer, weather-glazed windows, weather-glazed doors, proper central heating, and rig up the electricity and do a nice job with it. And then let them either rent it or buy it. Either rent or buy - whatever it will be, it'll be up to the person, whatever they're able to do.

2. Increase the amount of money offered for the Caravan Loan Scheme

Our second recommendation is in terms of the amount of money offered for the Caravan Loan Scheme. We support the recent recommendations on this point from the Housing Agency commissioned by the DHPCLG in 2017. The report outlined how local authorities felt that the value offered for the Caravan Loan Scheme was too low – and that this amount should be increased and certain additional allowances should be taken in terms of families that are larger. This includes permitting families to access a larger loan to purchase a caravan that is better equipped to suit their needs (and has access to all necessary amenities and is in quality condition). However, at the same time, the loan amounts should be based on income and allow for specific supports to help prevent families and individuals from going into arrears. While a rental or ‘rent to buy’ scheme may work better to avoid this, people should be given the option of whether or not they want to rent their caravan or borrow an adequate, low interest loan from the local authority in order to purchase a caravan outright.

Recommendation 2: Implement standardised protocol for accessing the Caravan Loan Scheme

To address the lack of consistency in the way the Caravan Loan Scheme has been implemented, there must be clear and standard regulations for the process in which to access a proposed rental scheme. This would involve the following:

- 1.** National Procurement Framework: we support the previous recommendation of the Housing Agency (2017) and others regarding how a national procurement framework should be established to ensure that all caravans purchased/rented on the Caravan Loan Scheme are of decent quality.
- 2.** Easy-to-read materials that include images should be distributed with consistent messaging by the DHPLG in collaboration with LTACCs. This will ensure that each community is given the same information regarding how and where to access resources, what they are entitled to, and who their local TDs are. This would also manage general expectations of how accommodation processes operate.
- 3.** Corresponding and associated resources provided to LTACCs should be supported, such as the mental health awareness and services that are accessible and available within each community.

In addition, such initiatives should involve Traveller organisations in the implementation process of the Caravan Loan Scheme.

Recommendation 3: Allocate resources to improve conditions in halting sites

As discussed in this report, overcrowding and lack of access to amenities are characteristic of many halting sites throughout the country. These issues result in many families choosing to ‘double up’, putting their trailers at the back of the homes of family members, in order to avoid staying on illegal halting sites and to avoid homelessness. The participants we spoke with in our research expressed how the issues associated with ‘doubling up’ would not be as necessary if there were more space allocated for official halting sites. Section 24 of the (Housing Provisions) Act 2002 made trespassing on unauthorised land with a caravan an offence. However, the need to occupy these sites becomes increasingly necessary as space for official halting sites appears to be diminishing.

Recommendation 4: Investigate the underspend

While not directly related to the current implementation of the Caravan Loan Scheme per se, the underspending of current funds by local authorities on Traveller-specific accommodation is an issue of national concern. We echo the recent recommendation provided by the Traveller Accommodation Expert Review Group that the underspending of Traveller accommodation budgets be thoroughly investigated and urgently addressed. Published early in 2019 on behalf of the DHPLG, this report recommends that:

Reasons why the approved housing bodies have not made use of the funding for halting site provision available under the Capital Assistance Scheme should be investigated, and reforms initiated as necessary to ensure that take-up increases (Traveller Accommodation Expert Review 2019, p.55).

According to reports, in 2018, 10 counties did not draw down any money for Traveller-specific accommodation: Carlow, Cavan, Cork County, Laois, Longford, Mayo, Meath, Westmeath, Wexford and Galway city (Holland 2019). While Census data reveals that many Travellers reside in these areas, there is clearly a failure to support the community's specific needs in terms of accommodation circumstances. If the Caravan Loan Scheme is expanded, a new scheme could be folded into funding pools that are currently not being used. Supporting such a scheme, specifically one that incorporated a caravan rental option, would need substantial funding and resources from local authorities.

Recommendation 5: Support Traveller cultural awareness training for stakeholders

Establishing culturally-appropriate housing includes facilitating a better understanding of the Traveller population and their needs. A cultural training and awareness workshop should be put in place for local authorities and other stakeholders. This workshop should be viewed in the same way as other diversity training in offices and other workplaces.

Training programmes such as this have been developed by the Health Service Executive (HSE) but have yet to be more broadly administered outside of healthcare contexts. Organisations such as Pavee Point have the necessary educational materials to support this kind of project. The role of the Irish Human Rights and Equality Commission in supporting public bodies in meeting their responsibilities under section 42 might usefully be exploited to educate officials about Traveller ethnicity and culture, and to explain the necessity to protect Travellers against involuntary assimilation.

In addition to cultural aspects of the Traveller community, this training should include *'the provision of information and regular training for local authority officials to ensure that Social Housing Assessments are conducted consistently nationwide'* (Traveller Accommodation Expert Review 2019, 24). This will assist in making the ways in which accommodation and other Traveller-related processes are implemented more consistent, from local authority to local authority.

6. CONCLUSION

In this report, we outlined the key practical implications and limitations of the Caravan Loan Scheme as it currently operates. According to our findings, the glaring practical issues with the Caravan Loan Scheme include its lack of uniform implementation across local authorities in the country, the inconsistent loan amounts offered as well as the lack of adequate support for necessary amenities associated with caravan living. We argue that in its current form, the Caravan Loan Scheme is not sufficiently addressing the needs of the Traveller community in terms of accommodation and is arguably in breach of the State's constitutional and legal obligations to provide culturally appropriate accommodation for Travellers.

We posit that the issues with the Caravan Loan Scheme are also indicative of broader socio-economic inequalities that are consistent with the lack of realisation of the human right to adequate housing and accommodation. Wider systemic issues such as barriers to financial inclusion, limited opportunities in education and employment as well as mental health concerns were evident throughout the research.

It is important to note that in this report we also included the feelings of disillusionment and political distrust as expressed by the participants in the empirical data collection. In particular, members of the Traveller community we spoke with as part of this research maintained that the overall participation of the Traveller community in research projects has become exhaustive and repetitive. Despite extensive research efforts, Travellers remain one of the most marginalised groups in Irish society – and this marginalisation is particularly clear in the context of Traveller accommodation. We argue that while there are many areas that need improvement, the expansion of the Caravan Loan Scheme could potentially help alleviate some of the more severe problems in this area.

On a final note, we conclude this report with the following from a focus group participant. Her perspective reveals the extent of the urgent need for new policy and practical support to address the current accommodation issues faced by the Traveller community:

Accommodation at the minute for Travellers is in scrambles. It is ridiculous. It has never ever been as bad as it is now. There are sites overcrowded, the halting sites—they're not being updated. The facilities and everything is very bad for people... there's an awful lot of young couples in homelessness where they don't want to be. There are people up in apartments that don't want to be [in] — they're Travellers. We've been recognised an ethnic group and they're not doing [anything]...to me the whole accommodation is upside down at the minute.

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APPENDIX I: QUESTIONNAIRE

Project: Caravan Loan Scheme for Travellers in Ireland

We are currently carrying out interviews and questionnaires with Travellers on their experience with the Caravan Loan Scheme. All information you give us is confidential – and providing your name and contact details is completely optional. The survey should take approximately 10 minutes to complete.

Question 1:

In which country do you live

Question 2: Age & Gender

What is your gender? Male Female Other

What was your age on your last birthday

Question 3:

In total, how many people live in your home, including yourself?

Of the people (including yourself) who normally live in your home, how many are:

Children (under the age of 18) 1 2 3 4 5 6 More than 6

Adults (over the age of 18) 1 2 3 4 5 6 More than 6

Question 4: Current Accommodation

Is your current accommodation (please select one)...

A House Flat/Apartment Mobile Home Caravan

Other (please specify)

Is your current accommodation (please select one)...

Housing owned by you, or another member of the household

Standard housing rented from a Private Landlord

Standard housing rented from a Local Authority

Standard housing rented from a Housing Association Traveller-specific Accommodation

Group Housing Temporary halting site Permanent halting site

Basic service site Unserviced site

Other (please specify)

Is your current accommodation (please select one)...

Inherited or given to you from a friend or family member Purchased independently

If purchased, what was the method of payment?

Paid in full with personal funds

Obtained a loan from the government

Obtained a loan from a friend or family member

Question 5: Caravan Loan Scheme

Does your local authority offer the Caravan Loan Scheme?

Yes No Don't know

Have you, or a partner/spouse, ever taken part in the Caravan Loan Scheme?

Yes No Don't know

If yes, what was the reason for borrowing?

Caravan Repair Caravan Upgrade Caravan Purchase

Other (please specify)

Do you an account with a credit union and/or bank? (Circle both if applicable)

Credit Union Bank

Other (please specify)

Was your caravan purchased new or second hand?

New Second Hand

Other (please specify)

What is the current status of your loan?

Paid in Full Paid in Full by Early Repayment Up to Date

Behind but regular payments being made Behind but regular payments are not made

Default

If still repaying, how much of a burden are your loan repayments for the Caravan Scheme?

Heavy burden Somewhat of a burden

Repayment is Not a Burden Don't know N/A

How much total did you borrow? €

What is/was your weekly repayment amount? €

What are the main methods of payment made to the loan? (Circle all that apply)

- Cash payment
- Cheque
- Household budget scheme
- Electronic payment
- Post office
- Online etc.

When participating in the Caravan Loan Scheme, did you receive any assistance connecting the caravan to utilities such as plumbing, electricity, or hot water?

Yes No Unsure

How many bedrooms does your caravan or mobile home have?

1 2 3 4+

How satisfied are/were you overall with the Caravan Loan Scheme?

Very satisfied Satisfied Neither /nor Dissatisfied
 Very dissatisfied Don't know / N/A

Would you recommend the Caravan Loan Scheme to someone else?

Yes No

Why or Why not?

Would you prefer to buy or rent your caravan?

Buy Rent

Why?

Would you be interested in being contacted for an interview about your experience with the Caravan Loan Scheme?

Yes No

If YES, please feel free to provide your name and contact details

Any further or final comments you'd like to share:

APPENDIX II: FOCUS GROUPS

Logistics	<ul style="list-style-type: none"> ▶ Get verbal consent to record (for transcription later) ▶ Ensure they all fill out a questionnaire (Molly and Amie will bring copies)
Caravan Loan Scheme	<ul style="list-style-type: none"> ▶ Describe your experience or engagement with the Caravan Loan Scheme (including others' experience) <ul style="list-style-type: none"> ▶ How did you hear about it? ▶ How do other people hear about it? ▶ What are some common reasons for borrowing? ▶ What is the quality of the caravans provided? <ul style="list-style-type: none"> ▶ OR: Is the money provided adequate to make the necessary repairs to a current caravan? ▶ What kind of assistance or support from the Council were you (or others) given? ▶ Any knowledge of other council's schemes? (Operating better or worse?)
Repayments	<ul style="list-style-type: none"> ▶ How far along are you (or others) in repayments to the loan? ▶ What are the most common methods for repayment? (Cash, cheque, electronic payment, etc) ▶ How much of a burden are repayments?
Living Situation/ Amenities	<ul style="list-style-type: none"> ▶ How many kids per family/home? ▶ How big is your caravan (how many rooms)? (If applicable) ▶ Halting Site setting <ul style="list-style-type: none"> ▶ Over-crowded? ▶ Permitted to be there? ▶ Issues with mould? (From your experience or others) ▶ Access to electric and heating amenities?
Improvements/Future	<ul style="list-style-type: none"> ▶ Do you think a renting scheme versus loan would be more or less useful? <ul style="list-style-type: none"> ▶ Why or why not? ▶ How satisfied are you with the loan scheme? ▶ How would you change it? ▶ Any final comments?

APPENDIX III: FOCUS GROUP QUESTIONS

Date	Focus Group	Participants
24 th July 2019	Pavee Point	2 focus groups with 7 participants each (primary healthcare providers)
7 th August 2019	Wicklow Travellers Group	1 focus group with 12 participants (primary healthcare providers and members of the Shuttleknit project)

APPENDIX IV: OUTREACH TO TRAVELLER GROUPS

Pavee Point	Irish Traveller Movement
MABS	Tallaght Travellers Community Development Group
Southside Travellers	TRAVACT Outreach Centre
Blanchardstown Traveller Support Group	St. Margaret's Traveller Community Association
Finglas Traveller Development Group	Ballyfermot Travellers Action Group
Clondalkin Traveller Development Group	Galway Traveller Movement
Southeast Galway Rural Traveller Health Project	Cork Traveller Group
Parish of Travelling People	Cork Traveller Women's Network
East Cork Traveller Advocacy	St. Catherine's Community Service Centre
Kildare Traveller Action	Kilkenny Traveller Community Movement
Tipperary Rural Traveller Project	CENA
Waterford Traveller Community Development	Wicklow Travellers Group

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