



PAVEE POINT
TRAVELLER AND ROMA CENTRE

**Presentation to the Oireachtas Committee on Housing
and Homelessness**

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Delegation Members:

Ronnie Fay
Mary-Brigid McCann
Missie Collins
Eamonn McCann

**Pavee Point Traveller and Roma Centre
46 North Great Charles St., Dublin 1
ronnie.fay@pavee.ie**

Pavee Point Traveller and Roma Centre

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

We are delighted to have the opportunity of making a presentation to the Committee this morning. It is imperative that the specific accommodation needs of Travellers and Roma are considered in overall discussions on housing and homelessness as they have largely been invisible in discussions on the housing crisis generally and we warmly welcome the attention that you are giving to these communities accommodation issues. Given the limited time we have this morning, and the complexities of the issues we wish to highlight, we are going to focus explicitly on Travellers today however we would encourage the Committee to examine the housing needs of the Roma community at a later stage in your deliberations. We have included some background information on Roma housing issues in our full paper and some of our Roma colleagues would welcome the opportunity to discuss their concerns further with the Committee.

While this morning we will be focussing on obstacles to Traveller accommodation provision, and suggesting some actions to improve the situation, at the outset we feel it is important to acknowledge that there had also been significant improvements and progress made in the past with leadership shown at Departmental, political and local authority levels -often in the face of strong opposition from local residents and politicians.

Traveller accommodation needs are great but progress has always been slow even during Celtic Tiger times. Traveller accommodation remains a contentious and controversial area of public policy in Ireland and the reality is that too many Travellers continue to be forced to live in sub-standard and inhumane conditions. Austerity hit the Traveller community particularly badly. Many political choices were made under the guise of Austerity with hugely disproportionate cuts affecting Traveller specific services- in addition to the general cuts in public services that Travellers also endured. The Traveller accommodation budget alone was cut from €40m in 2008 to €4m in 2013-a cut of 90%. Even more shocking was the fact that there was an overall underspend of 36% in the Traveller accommodation budget allocated from 2008-2012¹.

There have been significant policy, legislative and design improvements in Traveller accommodation in recent years but the main outstanding issue in Traveller accommodation is the gap between agreed policy at national level and the implementation of this policy by the local authorities that are responsible for the delivery of Traveller accommodation at local level.

Travellers (in common with most other minority ethnic groups) are at a higher risk of experiencing poverty and having high levels of housing need or dependence on social renting. They also experience poorer quality housing, have more affordability issues and difficulties in accessing private rented sector accommodation. They are often forced to live in sub-standard accommodation and in overcrowded circumstances. Poor housing conditions clearly affect health status. The National Traveller Health Strategy acknowledged this: 'There is little doubt that the living conditions of Travellers are probably the single greatest influence on health status. Stress, infectious disease including respiratory

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

disease and accidents are all closely related to the Traveller living environment. It is clear that an immediate improvement in the living conditions of Travellers is a prerequisite to the general improvement of health status.²

Demographic profile of Travellers

Reflecting a population profile similar to that in developing countries, with a high birth rate and a young population for instance:

- 42% of Travellers under 15 years of age compared with 21% of the general population
- 63% of Travellers under 25 years of age compared with 35% of the general population
- 3% of Travellers are aged 65 years and over compared with 13% of the general population.
- Only 8 Travellers were found over 85 years of age

Furthermore, the current state of Traveller health is comparable with the levels found in the Irish settled population of the 1940's with health:

- Life expectancy for Traveller men is 15.1 years and for Traveller women 11.5 years less than men/women in the general population;
- Mortality is 3.5 times higher;
- Infant mortality rate is 3.6 times higher.
- Suicide rate among Traveller men is 6.6 times higher;
- Suicide accounts for a staggering 11% of all Traveller deaths;

The family composition of Traveller households is very different to those in the general population. According to Census 2011:

- 27% of Traveller women had 5 or more children compared with just 2.6% of women overall in Ireland.
- 13% of Traveller women had 7 or more children; compared with 0.4% of the population.
- 26.4% of Traveller households had 6 or more persons compared with only 4.4% of all households in the State.
- Traveller households had more than one family (2.5% compared with 1.1%)

According to the 2010 All Ireland Traveller Health Study, Travellers surveyed most frequently lived in a house (73.3%), followed by trailer/mobile home or caravan (18.2%). 55.3% of those on a trailer/mobile home were parked on a halting site, 23.8% on an "unofficial site" and 6.8% on a transient site. Most homes had central heating (92.9%), both hot and cold water (94.4%) an individual bath or shower (63.7%) and flush toilet (91.6%). Yet this means that 7.6% did not have access to running water: a total of 2,753 Traveller men women and children. The All Ireland Traveller Health Study also found that significant numbers of families in group housing or sites reported lack of footpaths, public lighting, fire hydrants and safe play areas (play areas were unavailable for 77.5% of respondents). Further undermining the health and safety of Traveller families were issues such as rats (a problem for 33.1% of families) and being too close to a main road (a problem for 47.5% of families).

Indeed the authors of the study note that the most destitute of Travellers are living in very poor conditions indeed. "What we can say is that the better accommodated the Traveller family, the better the health status." As well as physical health, the study found that living conditions impacted on mental health.

² Department of Health & Children, Traveller Health (2002) *A National Strategy 2002-2005*. Dublin: Stationary Office.

While the AITHS is the most comprehensive research we have to date, government statistics obscure the reality of Traveller accommodation. For example, in the NTACC annual reports their categories include ‘sharing’ of houses and halting bay sites, in reality ‘sharing’ is a euphemism for Travellers living in conditions of chronic overcrowding, the term ‘basic’ service bays refers to sites that are often flooded, rat infested and lacking in everything but basic facilities such as shared taps.

The reports also refer to ‘unauthorised sites,’ this means Traveller families, including children, who have no suitable accommodation being forced to live at the roadside, most likely with no access to toilets or running water. For instance, according to the NTACC,³ in 2013:

- Unauthorized sites: 361
- Basic service bays: 188
- Sharing permanent halting sites: 182
- Sharing basic services/transient HS sites: 17
- Sharing houses: 663

What this means is that roughly 5,500 or 18.6% of Travellers are in need of proper accommodation provision which using Census 2011 figures, it would be the equivalent of 853,415 of the general population in need of housing. According to the Department of Environment, 5,811 people are ‘officially homeless’ in emergency homeless accommodation⁴ in February 2016 and a projected 90,000-100,000 people are on social housing waiting list⁵, these figures are still considerably lower than the proportionate number of Travellers in need of accommodation. This clearly signals the need for Travellers to be taken into consideration in the wider discourse around accommodation in Ireland. We note in the Department of Environment’s most recent statistics⁶ that there is a significant decrease in the three year period (2013-2015) of 237 Traveller families in private rented accommodation and a correlated increase of 200 families sharing houses. There is also an increase of 173 families on unauthorized sites during that time. It is clear that Traveller families are responding to the accommodation crisis by relocating to sites that are already overcrowded, unsafe and inhabitable. This can create conditions for internal conflict, fire hazards, unnecessary accidents and conflict with residents living in close proximity.

The issue of Traveller accommodation is not new; it has been public domain for quite some time and yet, met largely with inaction by government. Ireland’s lack of action has been met with scrutiny both nationally and internationally by human rights organisations and monitoring bodies. Recent findings by The European Committee of Social Rights (ERRC v. Ireland ECSR decision, May 2016) note that while significant progress has been made in the area of Traveller accommodation, the ECSR found a number of violations of the charter on the following grounds:

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

³ http://www.environ.ie/sites/default/files/publications/files/ntacc_annual_report_2013.pdf

⁵ <http://www.simon.ie/Portals/1/Simon%20Community%20Homelessness%20and%20Housing%20Crisis%20Factfile%2020142016.pdf>

⁶ http://www.environ.ie/sites/default/files/publications/files/total_number_of_traveller_families_in_all_categories_of_accommodation-2016-02-05_table_2.pdf

Not only Traveller organisations have raised these issues with the State, in fact a range of UN and EU bodies have called on the government to take action to mitigate the situation.

The Advisory Committee on the Framework Convention for the Protection of National Minorities characterised the adoption of local accommodation plans as a ‘significant step’ but that ‘the implementation of such plans has been inadequate in a number of localities’ particularly the provision of halting sites. The Committee also highlights the negative consequences of criminalisation of trespassing through legislation (FCPNM, Second Opinion on Ireland, adopted on 6 October 2006).

The Fundamental Rights Agency has also criticised the ‘non-existence of available spaces coupled with the lack of any prospect of progress and the constant threat of eviction has led many Travellers to seek accommodation in settled accommodation.

In June 2015 the UN Committee on Economic, Social and Cultural Rights stated their concern ‘at the lack of culturally appropriate accommodation provided to Travellers and Roma and of adequate legal protection of Traveller families at risk of eviction’. They recommended Ireland ‘provide Travellers and Roma with culturally appropriate accommodation in consultation with them and ensure that the funding allocated to Traveller housing at local level is fully and appropriately spent to this end’.

In 2011 UN Committee for the Elimination of Racial Discrimination (CERD) noted the poor outcomes for Traveller in relation to housing compared to the general population. The Committee recommended ‘that concrete measures are undertaken to improve the livelihoods of the Traveller community by focusing on improving students’ enrolment and retention in schools, employment and access to health care, housing and transient sites’.

The UN Committee for Civil and Political Rights urged Ireland to ‘take concrete steps to recognize Travellers as an ethnic minority group, and amend the Housing (Miscellaneous Provisions) Act, 2002 to meet the specific accommodation requirements of Traveller families. It also raised concerns on the criminalisation of trespassing on land in the 2002 Housing Act which disproportionately affects Travellers (Art. 26, 27).

In January 2016 the UN Committee on the Rights of the Child urged Ireland to undertake concrete and comprehensive measures to address the structural discrimination against Traveller and Roma children, particularly with regards to access to education, health and an adequate standard of living. In this light, the Committee further recommends that the State party:

- Ensure that sites that are resided upon by Traveller and Roma households are equipped with adequate water and sanitation facilities as well as safe and appropriate children’s recreation facilities;
- Increase the amount of funding allocated for housing facilities that address the needs of Traveller and Roma children and their families; and, also provide mechanisms and procedures for ensuring the effective and timely use of such funding;
- Respect the right to the cultural practice of nomadism, including by repealing/amending relevant legislation to ensure that this cultural practice is not criminalised; in doing so, the State party should also ensure adequate safeguards against forced eviction and access to timely recourse and commensurate reparation for victims of such forced evictions;

In Geneva last week the UN Human Rights Council in their Universal Periodic Review of Ireland, the government accepted Spain’s recommendation to give special emphasis to the right to housing for Travellers and Roma in Ireland.

A shameful lack of progress on Traveller accommodation is highlighted by lack of Traveller specific accommodation, ongoing evictions, and a tragic fire in Carrickmines in 2015 where 10 Travellers lost their lives. Like many other Traveller sites, the Carrickmines site was intended to be temporary, but

was still occupied after 8 years due to the Local Authority failing to provide permanent accommodation.

However, similar to the Carrickmines site, many Traveller sites are not permanent, safe nor have adequate facilities. Subsequent to the fire, a national fire safety audit was rolled out of all Traveller accommodation. Pavee Point, through their involvement in this process, received assurance that audits would not result in forced evictions. However, evictions did occur at a number of sites throughout the country. Paradoxically, health and safety issues are used as basis of Traveller evictions by Local Authorities, leaving families living in limbo, homelessness and inadequate living conditions. As we know, Traveller sites are overcrowded and are in poor condition, placing many Travellers at risk of homelessness vis-à-vis evictions.

Nomadism/Transient Sites

Assimilation has largely informed the State's response to Traveller accommodation needs and provision and this is evidenced by the criminalisation of nomadism through the Trespass Act 2002. The State has failed to make provision for Traveller families who wish to continue their traditional way of life travelling even if only restricted to certain times of the year. This has been recognised by all UN treaty bodies and in January 2016, the UN Committee on the Rights of the Child recommended that Ireland:

- Respect the right to the cultural practice of nomadism, including by repealing/amending relevant legislation to ensure that this cultural practice is not criminalised; in doing so, the State party should also ensure adequate safeguards against forced eviction and access to timely recourse and commensurate reparation for victims of such forced evictions;

Again, as countless reports have indicated Travellers are a minority ethnic group by all definitions; this is not simply a choice and nomadism is an intrinsic feature of their cultural and ethnic identity. The government Task Force report recognised the importance of taking into consideration Traveller culture in all aspects of policy development and service provision. Therefore, it is ironic that the Task Force target of development of 1,000 'transient bays' 20 years ago has resulted in a mere 54 being provided and not all function as proper transient sites. This, despite the growth of the Traveller community in the meantime. This was one of the basis for the European Committee of Social Rights ruling against Ireland this week.

Local Authority/Private Rented Accommodation

Numbers of Travellers in private rented accommodation have grown from 5% in 2002 to 29% in 2011 (Census 2011), reflecting the limited supply of public housing and policy shift favourable to private market. However, many private rental units are unsuitable for Travellers, given the fact that they have larger families; again, leading to overcrowding. As a result of the lack of provision and disinvestment in Traveller-specific accommodation and in publicly provided standard accommodation, many Travellers, through lack of choice, have been forced into private rented accommodation. Consequently, this has had major impacts on Travellers' culturally identity, including loss of cultural capital and intergenerational support. This situation can also expose Travellers to increased racial discrimination as landlords are unwilling to rent their properties to Travellers on the basis of prejudice. There are also instances where Travellers have been forced to pay extortionate amounts of money to secure private accommodation, 'unofficially' paying up to 3 months' rent in advance and paying above the market rental price monthly to get security of tenure. This is usually coming out of weekly social welfare payments which minimal at best. While some Travellers can avail of the rent supplement, younger Traveller couples are ineligible for due to stringent rent supplement rules, including previous tenancy in private rented accommodation for at least 6 months (183 days) of the

last 12 months. This has a disproportionate effect on newly married Traveller couples who tend to marry younger (18-19 years) than the general population (33-35 years) and generally live in the family home until marriage.

Historical and persistent experiences of anti-Traveller racism and discrimination have resulted in significant exclusion in areas such as health, education, employment, participation in decision-making and accommodation. In a national survey⁷ (MacGréil, 2010) commissioned by the Economic and Social Research Institute (ERSI), 40% of respondents reported that they would be unwilling to employ a Traveller. Additionally, the survey revealed that 18.2% of respondents would deny Irish citizenship to Travellers, and 79.6% of those surveyed responded that they would be reluctant to purchase a house next to a Traveller. Such hostile attitudes, largely informed by misconceptions, unveil the extent to which Travellers in Ireland experience racism and prejudice from the majority population, amplifying their marginalised position within Irish society.

Racism can also be exacerbated for Traveller children once private accommodation is secured as they are often told to hide their identity from neighbours and discouraging visits from extended family for fear of being identified as Travellers and that they could be evicted by landlords. This leads to social isolation which has detrimental impacts on mental health and well-being. Those living in apartments, particularly younger Traveller mothers are often isolated from family members during a particularly vulnerable time and lack the support of extended family which would traditionally be available to them on sites. Equally, young Traveller men cannot pursue traditional trades or engage socially with their peers and are under pressure to support their families to meet rent supplement and every day costs. This has a huge impact on their mental health and we frequently see younger families moving back to unauthorised sites or doubling/quadrupling up in halting site bays or in yards of housing schemes.

This leads to family tensions as those doubling up are assessed on the income of the tenant, usually resulting in a rent increase. It can also lead to anti-social behaviour between families where there is pressure to accommodate an extended family member even when there may be a history of interfamily disputes.

Although doubling up may have social and financial implications for Travellers who already have limited means, it also creates ghettos whereby the spatial landscape is demarcated by segregation from the general population as Traveller accommodation is usually provided in isolated and peripheral margins of towns. These areas have poor access to public services, employment and schools, and are without adequate access to public utilities such as water, electricity or gas. These overcrowded conditions have considerably less space per person than the national average and are in a state of considerable disrepair.⁸ In 2008 the Centre for Housing Research reported that 82.5% halting sites or group housing schemes for Travellers had some form of environmental hazard nearby (electricity pylon, telephone mast, dumps, major roads, industrial pollution).⁹

These sites are completely inappropriate for Travellers with additional needs, such as disabled Travellers, elderly Travellers and Traveller children with congenital and/or life-limiting illnesses. The development of group housing schemes and official halting sites can address these specific needs if the political will is there to do so.

There is also evidence of dual lists and quotas in local authority housing provision whereby Travellers are allocated to two lists (mainstream and Traveller specific lists). The use of dual lists given rise to concerns of quota systems and ignore the real need that exists for many Traveller families. This

⁷ MacGréil, M. (2010) *Emancipation of the Travelling People*. National University of Ireland, Maynooth.

⁸ http://fra.europa.eu/sites/default/files/fra_uploads/703-Roma_Housing_Comparative-final_en.pdf

⁹ Treadwell-Shine, F. Kane and D. Coates (2008) *Traveller Accommodation in Ireland: Review of Policy and Practice*. Dublin: Centre for Housing Research.

potentially discriminates against Travellers, as Local Authorities impose an added requirement on Travellers when seeking accommodation. This would not be placed and/or accepted by members of the general population and is contrary to the Equal Status Act 2000.

Roma

There is a small Roma community in Ireland, circa 5,000 people. All those with legal residency rights and access to employment or social welfare are accommodated in the private rented sector. There have been some cases of homelessness that have received substantial press attention at times. However, it is important to note that Roma have a similar experience to Travellers in relation to accommodation. Major issues include discrimination in accessing accommodation, racism, lack of access to social housing and rent allowance, a lack of security of tenure and substandard conditions. There is a vulnerable component of Roma in completely inadequate and overcrowded accommodation, at risk of eviction and homelessness. These issues create a context for exploitation of an already marginalised and vulnerable group. Many Roma children are living in dangerous circumstances where young children are exposed to home with open electric plates on the floor used for both cooking and heating. A number of Roma families are also living with fuel poverty as preliminary findings from the forthcoming Roma Needs Assessment Study to be published this year, noted that 66.3% of respondents said they cannot afford to keep the house warm all the time. It would be beneficial if the Committee would address the specific housing needs of Roma as part of your ongoing deliberations.

SPECIFIC ACTIONS/ RECOMMENDATIONS

Given the often appalling housing and environmental conditions affecting Travellers and Roma, Pavee Point recommends consideration of the following actions:

- The establishment of a statutory Traveller Agency with powers to approve and enforce local authority 5 year Traveller accommodation plans.
- Delivery of Traveller accommodation is underpinned by a monitoring and evaluation framework with associated sanctions, ensuring full expenditure of funds allocated to Local Authorities for Traveller-specific accommodation.
- Complete overhaul (rather than ‘review’) of the Housing (Traveller accommodation) Act, 1998
- Housing (Miscellaneous Provisions) Act, 2002 should be scrapped with immediate effect
- Increased provision and appropriate resourcing of accessible, suitable and culturally appropriate accommodation is available for Travellers and Roma.
- Reinstatement of Traveller accommodation funding to 2008 levels at a minimum of €40 million.
- Moratorium on evictions and on the use of Housing (Miscellaneous) Provisions Act 2002 – Trespass Act until the accommodation needs of all Travellers on the housing list have been met.
- Avoid further development of temporary sites and introduce a ‘toleration policy’ of Travellers who have been forced to park illegally ensure emergency facilities are provided (i.e.) water, sanitation, etc.
- Put mechanisms and clear protocols in place in consultation with Traveller organisations to meet the emergency and temporary accommodation requirements brought on by changes in Traveller families personal circumstances (i.e.) death, illness, fire, etc.
- The Housing Agency should undertake a specific study on the current Traveller accommodation crisis to be published by August 2017 and carry out an independent national assessment of the state of Traveller specific accommodation.
- This Committee on Housing and Homelessness should examine Roma housing issues.
- Improve data, mapping and monitoring of the accommodation situation as a prerequisite for effective policies.
- Implementation of an ethnic identifier across Local Authority and homeless agency data collection systems to monitor equality, participation and outcomes and to inform policy

development and service delivery. It is essential that the application of an ethnic identifier take place within a human rights framework which means it is available in a timely manner and analysed in partnership with Traveller organisations.

- Implementation of an ethnic identifier in the Pathway Accommodation and Support System (PASS) and Housing Assistance Payment (HAP). Data must be disaggregated and used to inform service provision and policy development.
- Ethnic data must be disaggregated by gender and other relevant equality grounds to ensure that particular individuals within minority groups are included in policy and service planning. This is particularly pertinent for Travellers and Roma with multiple needs.
- Diverse needs of Travellers are taken into account in Traveller-specific accommodation provision (i.e.) disability needs and older Travellers.
- The National Traveller Fire Safety Initiative should have a role with the NTACC to ensure that Local Authorities take into account fire safety measures of all Traveller accommodation and undertake site enhancement works where necessary to protect Travellers from fire hazards. Outstanding site enhancement works should be completed by August 2016.
- Local Authorities should provide smoke alarms and carbon monoxide alarms to all Traveller accommodation units.
- Given the population profile of Travellers (42% under the age of 15) Local Authorities must provide adequate play and recreational space for Traveller children.
- Local Authority allocation policies should be transparent, not discretionary, and should take into account the compatibility of Traveller families.
- Equality and anti-discrimination criteria as part of any future staff recruitment process. Person specifications should include commitment to anti-racist and equality perspectives.
- Equality and anti-discrimination objectives in performance reviews and appraisals of staff, including Chief Officers for Local Authorities.
- In line with Section 42 of the Irish Human Rights and Equality Commission Act (2014), Local Authorities have a “positive duty” obligation to have regard for the need to eliminate discrimination, promote equality and ensure human rights are respected. This needs to be acted upon in the monitoring and development of Traveller accommodation programmes.
- Implement the following recommendations¹⁰ made to NTACC in *Why Travellers leave Traveller-specific accommodation?*
 - Clarify and Agree the Demand for Traveller Specific Accommodation
 - Develop a Charter for Traveller Specific Accommodation
- Rent Supplement and Housing Assistance Payment must be increased to levels which meet market rents so Travellers and Roma can avail of accommodation and avoid falling into homelessness.
- Create dedicated Traveller posts within the PRTB to understand and prioritise the particular needs of Travellers in private rented accommodation.
- Given the demographic profile of Travellers and the reality of early marriage patterns, special measures should be introduced which provide an exemption for young Traveller couples to avail of Rent Supplement and thus avoiding pushing them into homelessness or ‘doubling up.’

¹⁰ <http://www.viron.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Housing/FileDownload,37993,en.pdf>