

Ireland
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

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Executive summary

Traveller accommodation remains a difficult and controversial area of public policy in Ireland. Among the many issues are the apparent gaps, weaknesses and strengths of government policy; the overall approach adopted by the government in relation to Traveller accommodation; the position of Travellers in Irish society and more recently the gap between the policy agreed upon at a national level and implementation at a local level. Despite these many issues and challenges, there have also been significant improvements and innovation apparent in Ireland in recent years in key aspects of Traveller accommodation policy and practice.

Section 1.1 of this study outlines the legal and policy framework for Traveller accommodation in Ireland. Historic policy towards Traveller accommodation policy was largely piecemeal or based on flawed assumptions. In particular the *Commission on Itinerancy (1963)* and the *Travelling People Review Body (1983)*. It was not until 1995 that a comprehensive approach to accommodation was developed with the full participation of Traveller organisations. The groundbreaking *Report of the Task Force on the Travelling Community* was published in 1995.

In 1998 the Irish Government put in place what is now generally acknowledged as the legislative framework that provides the basis of a comprehensive policy framework for Traveller accommodation in Ireland. It is the first policy that fully recognises Traveller-specific accommodation to be a legitimate part of an overall approach to Traveller accommodation, which includes general housing. The significant policy and legal developments over the past fifteen years include:

- *The Report of the Task Force on the Travelling Community, 1995*
- *The Housing (Traveller Accommodation) Act, 1998*, which provides the legislative framework for Traveller accommodation in Ireland. Central to this framework are the five-year (four-year since 2004) *Traveller Accommodation Programmes*.
- The establishment and work of the *National Traveller Accommodation Consultative Committee (NTACC)* and *Local Traveller Accommodation Consultative Committees (LTACCs)* as part of the 1998 Act.
- The work and reports of the *High Level Group on Traveller Issues* (2004-present) commonly referred to as the '*Senior Officials Group*'.
- The Irish government's general housing policy framework policy as outlined in *Delivering Homes: Sustaining Communities (2007)*.

- The *Residential Tenancies Act, 2004*, the legislation that underpinned a major reform of the private rented sector in Ireland, a housing sector that is of increasing importance to Travellers.
- The *Housing (Miscellaneous Provisions) Act, 2002*. This controversial amendment to public order legislation facilitates evictions without having to obtain a court order and has primarily impacted unauthorised Traveller encampments on public and private land.

Section 1.2 of this report outlines the quantitative data available on Traveller accommodation. This section contends that there has been a significant growth in the number of Travellers and Traveller family formation over the past decade. It outlines the information available from the Census and other surveys on the accommodation standards of Travellers, including and recent improvements in some of the key indicators, including **access to piped water, sewage facilities and central heating**.

In terms of general trends in Traveller accommodation this report highlights the following:

- The numbers of Travellers living in permanent accommodation; local authority housing and group housing especially have been increasing in recent years.
- Only approximately one quarter of the Traveller population live in Traveller-specific accommodation, with the number of families accommodated on halting sites decreasing but the numbers in group housing schemes increasing.
- In relative terms there is little change in the numbers of Traveller families living in unauthorised/unregulated encampments since 1963.

Section 1.3 highlights that there have been significant policy, legislative and design improvements in recent years, but the main outstanding issue in Traveller accommodation is the gap between policy agreed up at the national level and the implementation of this policy by the local authorities, the governmental bodies that are responsible for the delivery of Traveller accommodation in Ireland at the county and city levels.

The continuing high percentage of Traveller families in Ireland remaining without basic facilities and services is highlighted in this report as is the impact of poor accommodation on issues such as health, education and employment. However, this report also acknowledges the significant progress that has been made in providing Traveller accommodation in the last ten years, including improving the provision of Traveller-specific accommodation and improving access to general housing, including social housing and the private rented sector. There is a small Roma community in Ireland, circa 6,000 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 (see Section 1.4).

Section 1.4 outlines some of the main case law on Traveller accommodation relevant to this study and shows that there can be mixed outcomes for Travellers seeking to vindicate their rights through the legal system.

Section 1.5 identifies two examples of good practice that include the All-Ireland Traveller Health Study and indicators recently developed by the Centre for Housing Research on management, maintenance and standards in Traveller accommodation. The interaction between housing and health is highlighted as is the role of Pavee Point in the all-island Travellers' Health Study and in particular, their role in facilitating the active participation of Travellers.

Section 1.6 outlines the work of the accommodation unit of the *Irish Traveller Movement (ITM)* as a major national project.

Section 2 highlights the methodology and summary of the findings from the field work research, with exemplary findings, including the following:

- Reducing the numbers of Travellers on unauthorised sites
- Growth in the Traveller population
- The gap between national policy and implementation at a local level
- Frustration at the inadequate pace of implementing *Traveller Accommodation Programmes (TAPs)*
- Local authorities are not building enough new provisions to keep pace with the growth in the Traveller population in Ireland
- Some Traveller families are choosing general housing because of the slow pace of providing Traveller- specific accommodation; for others it is a choice
- The position of Travellers in Irish society impacts accommodation provision
- There are regional differences in the implementation of Traveller Accommodation Programmes
- The 1998 framework legislation is very positive if fully implemented
- Traveller opposition to the *'Trespass Law'*
- The lack of progress in building transient sites
- Funding has not been a barrier to Traveller accommodation in Ireland
- Traveller organisations contend that the government should develop a Traveller accommodation agency

- There is insufficient attention given to the needs of Travellers with disabilities in Traveller-specific accommodation
- There is limited provision of play facilities for children on many Traveller sites
- The absence of access to basic facilities such as hot running water and the remoteness of some sites from basic services particularly impacts carers, caregivers and those with the primary role in raising children, Traveller women
- Those charged with providing Traveller accommodation contend that Traveller families' needs and preferences vary and can be difficult to clarify and to realise
- Anti-social behaviour by a minority of families, including long lasting interfamily disputes, has also been acknowledged by key stakeholders as impacting on accommodation standards and provision

Annexes 1-4 provide statistical data tables and charts, court/tribunal decisions, interview template and bibliography.

1. Desk Research

1.1. Legal and policy framework

This section includes a focus on specific legislation relating to accommodation and the Traveller community in Ireland and general housing and public order legislation that is also relevant to Traveller accommodation.

1.1.1. Protection of the right to adequate housing in national legislation

National policy for Traveller accommodation is the responsibility of the *Minister and Minister of State*¹ for Environment, Heritage and Local Government. Administrative responsibility resides with a Traveller Unit within the Department of Environment, Heritage and Local Government (DOEHLG) based in the Custom House in Dublin and Government Buildings, Ballina, County Mayo.

The National Traveller Accommodation Consultative Committee (NTACC) advises the Department of Environment, Heritage and Local Government (DOEHLG). Its role and functions are set out in the (Traveller Accommodation) Act 1998 (see Section 19).²

Overall responsibility for coordinating all aspects of Traveller policy in Ireland resides with the Department of Justice, Equality and Law Reform, which is advised by the *National Traveller Monitoring and Advisory Committee (NTMAC)*.

The National Traveller Monitoring and Advisory Committee (NTMAC) was established in March 2007 under the auspices of the Department of Justice, Equality and Law Reform with an independent chairperson. It replaces the Monitoring Committee established following the publication of the Task Force on the Travelling Community (1995). The *NTMAC* is mandated to make an advisory report every two years, and its first report is due in 2009.³

1 In the Irish democratic system a cabinet level ‘Minister’ heads a government department. There are also ‘Ministers of State’ who are junior ministers who often have responsibilities across a range of departments, but who do not attend cabinet meetings.

2 Note that the role of the NTACC and LTACC’s are a key focus of the case study being undertaken by the European Roma Rights Centre and Pavee Point in another part of the overall FRA study on housing conditions and Travellers/Roma.

3 <http://www.justice.ie/en/JELR/Pages/PR07000650> (14.03.2009)

In a further policy development in 2003, a High Level Group on Traveller Issues, the '*Senior Officials Group*' was established. It advises the government on the role of the state sector in providing services and support for Travellers. It was established by the government in an implicit recognition of the gap between policy at a national level and implementation of policy at a local level and issued a major report on its work in 2006.⁴

1.1.2. Specific protection in national legislation

The Housing (Traveller Accommodation) Act, 1998 is the key Traveller accommodation legislation in Ireland. The 1998 Act established an overall policy framework for Traveller accommodation, which persists to the present, with a small number of important changes taking place following a review of the Act in 2004.⁵ The 1998 Act put into legal effect the recommendations from the Report of the *Task Force on the Travelling Community (1995)*. The key elements of the 1998 Act are:

- The requirement of all local authorities in Ireland to draw up five-year renewable *Traveller Accommodation Programmes (TAPs)* (subsequently changed to four-year plans following a 2004 review).
- The establishment of a *National Traveller Accommodation Consultative Committee (NTACC)* to monitor and to advise the Department of the Environment to ensure that local authorities carry out their statutory duty to plan and to deliver *Traveller Accommodation Programmes*. Three national Traveller NGOs are represented on the NTACC, including Pavee Point, the Irish Traveller Movement and the National Traveller Women's forum. All three representatives on the NTACC from Traveller organisations are Travellers; two of the three are women. Traveller NGOs represent one quarter of the total membership of the NTACC.⁶
- The requirement that each of the 34 local authorities in Ireland establish a *Local Traveller Accommodation Consultative Committee (LTACC)* as a key monitoring and consultative mechanism at the local level.

The operation of the *Housing (Traveller Accommodation) Act* was reviewed in 2004 by the NTACC because of concerns over the slow pace of Traveller accommodation provision by local authorities, over the continuance of high

4 Press Release: Department of Justice, Equality and Law Reform (21.03.2006) *Government Approves High Level Group Report on Travellers*, available at: <http://www.justice.ie/en/JELR/Pages/PR07000893>

5 Ireland/National Traveller Accommodation Consultative Committee (2004) *Review of the Operation of the Housing (Traveller Accommodation) Act 1998*. Report by the National Traveller Accommodation Consultative Committee to the Minister for Housing and Urban Renewal

6 Appointment of the National Traveller Consultative Committee (7.2.2007), available at: <http://www.dickroche.com/article.php?sid=910> (15.05.2009)

numbers of Travellers on authorised sites by the roadside, over difficulties in measuring progress and about the operation of *Local Traveller Accommodation Consultative Committees*.⁷ The review lead to:

- Indicators and targets being set to measure the progress of future-year *Traveller Accommodation Programmes (TAPs)*.
- Proposed improvements in the effectiveness of the consultative processes, including the *Local Traveller Accommodation Consultative Committees* and the preparation for *TAPs*.⁸

Of further relevance to this study is public order legislation that was enacted through the *Housing (Miscellaneous Provisions) Act, 2002*. This controversial amendment to public order legislation facilitates evictions without having to obtain a court order and has primarily impacted unauthorised Traveller encampments on public land. The Government introduced the *Housing (Miscellaneous Provisions) Act, 2002* 'to enable local authorities to deal with unauthorised temporary encampments in certain circumstances'.⁹ Significantly, the 2002 Act was introduced by the Minister for Justice, Equality and Law Reform (as opposed to the Minister with responsibility for Traveller accommodation, the Minister for Environment, Heritage and Local Government) in the wake of two high profile incidents involving Traveller encampments on grounds designated for social amenities. Under Section 10 of the legislation, the powers for eviction given to local authorities were significantly increased and court orders were no longer necessary. Local authorities were enabled to:

- Remove an unauthorised temporary dwelling within five miles of an approved halting site, provided alternative accommodation is available within or outside the five mile radius.
- Evict without offering or providing alternative accommodation when the unauthorised encampment is unfit for human habitation, likely to interfere with public or private amenities or constitutes a health hazard.

Traveller NGOs have been consistently critical of the 2002 Act, which is often referred to by their publications as the 'Trespass Law'. They contend that the 2002 Act bypassed agreed consultative processes and was an overreaction to unauthorised encampments. They contend that the publication coincided with the period running up to a general election.

7 Ireland/National Traveller Accommodation Consultative Committee (various) *Annual Reports 1998-2004*

8 Ireland/National Traveller Accommodation Consultative Committee to the Minister for Housing and Urban Renewal (2004) *Review of the Operation of the Housing (Traveller Accommodation) Act 1998*, p1

9 Ireland/National Traveller Accommodation Consultative Committee to the Minister for Housing and Urban Renewal (2004) *Review of the Operation of the Housing (Traveller Accommodation) Act 1998*, p62

The DOEHLG and NTACC have published guidelines on the design of Traveller group housing schemes including detailed guidance on all aspects of design that are consistent with general housing regulations in Ireland, in respect to room occupancy/overcrowding.¹⁰ Regarding Traveller sites, the Department specifies that there should be no more than 20 families on a temporary site and less than half this number on permanent sites.¹¹

There is no absolute right to housing in Ireland but the policy goal of successive governments in Ireland remains to provide quality and affordable housing to all and in particular to encourage home ownership. The overall objective of housing policy is to ‘enable every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and as far as possible at the tenure of its choice’. The general principle underpinning the housing objective is that those who can afford to provide for their housing needs should do so either through home ownership or private rented accommodation and that targeted supports should be available to others regarding the nature of their need.¹² The most important general housing policy and legislative instruments in Ireland are:

- *Delivering homes: Sustaining communities, 2007*, the overarching, general housing framework policy in Ireland which was given legislative effect through the *Social Housing (Miscellaneous Provisions) Act 2008*.
- *Residential Tenancies Act, 2004*, the legislation that underpinned a major reform of the private rented sector in Ireland.¹³

1.1.3. Legislative or administrative decisions regarding ‘ethnic’ data collection

There are no specific rules around the collection of data related to ethnicity and nationality data in Ireland, except for the general protections in the Data Protection Act and the work of the Office of the Data Commissioner. The main Irish law dealing with data protection is the Data Protection Act 1988. The 1988 Act was amended by the Data Protection (Amendment) Act 2003.¹⁴ On the 2006 Census there were questions about ethnic and cultural background,

10 Ireland/Department of Environment, Heritage and Local Government (2002) *Guidelines for Group Housing for Travellers*

11 Ireland/Department of Environment, Heritage and Local Government (1998) *Guidelines for Traveller Accommodation, Basic services and facilities for caravans pending the provision of permanent accommodation*

12 <http://www.environ.ie/en/DevelopmentandHousing/Housing/HousingPolicy/> (18.05.2009)

13 Ireland/Residential Tenancies Act (2004) available at: <http://www.oireachtas.ie/viewdoc.asp?DocID=3183> (15.04.2009)

14 Ireland/Data Protection (Amendment) Act (2003) available at: <http://www.dataprotection.ie/ViewDoc.asp?fn=%2Fdocuments%2Flegal%2FLawOnDP%2Ehtm&CatID=94&m=1> (18.05.2009)

nationality, place of birth and religion. The addition in 2006 of an ethnic or cultural origin question to the Census was largely uncontroversial and was completed by 9 out of 10 people completing the Census. ‘Irish Traveller’ is part of the ethnic or cultural origin question.¹⁵

1.1.4. General public policy on housing

The overall housing policy framework in Ireland is outlined in the *Social Housing (Miscellaneous Provisions) Act 2008*. It was published in July 2008 and provides the legislative underpinning for the reform measures and new programmes detailed in the Housing Policy Statement *Delivering Homes Sustainable Communities*.¹⁶ The statement outlines an overarching vision to guide the development of the Irish housing sector over the next ten years, by delivering more and better quality housing responses and by doing this in a more strategic way focused on the building of sustainable communities. The policy statement sets out a range of actions, the following are those most relevant to this study:

- Building sustainable communities
- Responding to housing need in a way that improves choice and encourages individual responsibility within communities. There is a clear emphasis on a services approach – one that tailors supports to households taking account of their position in the life cycle
- Effectively delivering housing programmes in order to achieve better outcomes for the households supported and better value for the tax-payer
- Special housing needs will be highlighted in future Housing Action Plans
- Homeless strategies are being revised. They aim to address the situation of homeless people in long-term emergency accommodation with a view to eliminating such homelessness by 2010
- The National Housing Strategy for people with disabilities is to be developed by 2009
- Continued capital investment in *Traveller Accommodation Programmes*; developing new procedures to improve management and maintenance of Traveller-specific accommodation

15 Central Statistics Office (2007) *Census 2006: Volume Five: Ethnic or Cultural Background, including the Irish Traveller Community*, available at:
http://www.cso.ie/census/census2006results/volume_5/vol_5_2006_complete.pdf
(18.05.2009)

16 <http://www.environ.ie/en/PublicationsDocuments/FileDownload,2092,en.pdf> (16.01.2009)

- Housing policy will evolve to reflect the community's diversity (including, for example, the housing needs of new migrants, ethnic groups and people with disabilities).¹⁷

Relating to the increasing numbers of Travellers in the private rented sector in recent years is the *Residential Tenancies Act, 2004* which came into full operation in December 2004 and which applies to everyone in the private rented sector. This Act is widely recognised as the most significant reform of the regulatory framework in the private rented sector in Ireland in recent years.

One of the major changes introduced on 1 September 2004 is the tenant gaining the right to remain in occupation after a six-month probationary period. After the initial six months, the tenant may remain in occupation for a period up to 3.5 years. The tenancy becomes known as a Part 4 Tenancy. The landlord may terminate the tenancy during this period on specified grounds only.

The majority of tenancies have to be registered with the *Private Residential Tenancies Board*. It is the responsibility of the landlord to register the details with the Board. Either the landlord or the tenants are entitled to a copy of the details entered on the register.

The *Private Residential Tenancies Board (PRTB)* has been set up to resolve disputes between landlords and tenants, to operate a system of tenancy registration and to provide information and policy advice. Landlords and tenants may refer disputes to the Private Residential Tenancies Board for resolution by mediation, adjudication or tribunal hearing.

The *Private Residential Tenancies Board* deals with:

- Refunds or retentions of deposits
- Alleged breaches of tenancy obligations, by either Landlords or Tenants
- Timing of rent reviews and the determination of rent levels following a review
- Failure to follow the correct procedure to terminate a tenancy
- Invalid reason for terminating a tenancy
- Determining proper notice periods
- Tenants vacating tenancies in the absence of a valid notice
- Tenants remaining in occupation despite the receipt of a valid notice
- Claims for costs and damages from either the landlord or the tenant

¹⁷ Ireland/ Social Housing (Miscellaneous Provisions) Act (2008) available at:
<http://www.environ.ie/en/PublicationsDocuments/FileDownload,2092,en.pdf> (16.01.09)

- Claims for costs or damages or both by the landlord or the tenant
- Failure to comply with a determination order made by the Board
- Penalisation of tenants by landlords
- Claims for rent arrears or other charges.

Landlords are restricted from charging rent that is above the market rate. After the first twelve months of a tenancy, landlords can seek a rent review. Reviews cannot take place more frequently than annually unless there has been a substantial change in the nature of the accommodation during that period.¹⁸

In short, the Residential Tenancies Act has for the first time provided a comprehensive legislative framework for the regulation of the private rented sector in Ireland. This has benefited all those renting in this sector, including Travellers. Concomitantly, there has been a significant increase in the numbers of Travellers opting for this form of accommodation in recent years.

Another policy instruments relevant to this study is the Government's *National Development Plan 2007-2013* which provides €12 billion for the delivery of social housing options for new households seeking social housing.¹⁹

The EU, Council of Europe and other international bodies have commented on Traveller accommodation. For example, the *European Commission on Racism and Intolerance (ECRI)* published its Third Report on Ireland in May 2007 and made two specific recommendations relating to Traveller accommodation:

- That the anti-trespass legislation under the *Housing (Miscellaneous Provisions) Act, 2002* be closely monitored to prevent any further disadvantage in relation to Travellers' accommodation needs
- Due to concerns regarding the implementation of the Traveller Accommodation Programmes in some areas, a more proactive approach is needed on the part of local authorities in this area.²⁰

1.1.5. 'Positive action measures'

Travellers ('Travelling People' in the legislation) are included as part of one of the grounds in the equality legislation in Ireland in respect of protection against discrimination in employment (Employment Equality Acts 2000 and 2004) and

18 <http://www.prtb.ie>

19 Ireland/National Development Plan, *Transforming Ireland – A Better Quality of Life for All*, available at: http://www.ndp.ie/docs/NDP_Homepage/1131.htm

20 European Commission on Racism and Intolerance (2007), Third Report on Ireland, available at: http://hudoc.ecri.coe.int/XML/ENGLISH/Cycle_03/03_CbC_eng/IRL-CbC-III-2007-24-ENG.pdf (24.02.09)

in the provision of goods and services, including housing (Equal Status Acts 2000 and 2004).²¹

Ireland has ratified and provides periodic reports under the main International treaties that impact discrimination against Travellers, including the International Convention on the Elimination of all forms of Racial Discrimination (CERD) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Most of these reports have raised concern about Traveller accommodation in Ireland. The most important and urgent were the concluding observations to Ireland's first and second report to CERD (2004): 'The Committee recommends to the State party that it intensify its efforts to fully implement the recommendations of the Task Force on the Traveller community, and that all necessary measures be taken urgently to improve access by Travellers to all levels of education, their employment rates as well as their access to health services and to accommodation suitable to their lifestyle'.²²

Of further relevance is the Council of Europe Framework Convention on National Minorities and the three yearly national reports by the European Commission on Racism and Intolerance (ECRI) and the RAXEN reports of the EU Fundamental Rights Agency (FRA).

There is a small Roma community in Ireland from Central and Eastern Europe. There are no official statistics on numbers of people but Pavee Point has estimated there are about 5-6,000 Romani people in Ireland. Almost all Roma are accommodated in the private rented sector in Ireland. There is no access to Traveller-specific accommodation for Roma in Ireland, nor has this community expressed a wish to be accommodated in such accommodation.

1.1.6. Housing components of gender equality legislation and policy

All equality protections, including gender equality protections, are provided for under equality legislation in Ireland. The provision of goods and services, including housing, is covered by the Equal Status Acts 2000 and 2004.²³ There is no other specific legislation that covers the interaction between gender and housing that impacts the Traveller community in Ireland.

21 Equality Authority website. <http://www.equality.ie/index.asp?locID=106&docID=226> (18.05.2009)

22 Committee On The Elimination of Racial Discrimination, *Concluding Observations, Sixty-sixth session* 21 February-11 March 2005, available at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.IRL.CO.2.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CERD.C.IRL.CO.2.En?Opendocument)

23 <http://www.equality.ie/index.asp?locID=106&docID=226> (18.05.2009)

1.1.7. Housing components of disability legislation and policy

All equality protections, including disability equality protections, are provided for under the equality legislation in Ireland. The provision of goods and services, including housing, is covered by the Equal Status Acts 2000 and 2004.²⁴ There is no other specific legislation that covers the interaction between disability and housing the Traveller community in Ireland.

1.1.8. The impact of the legislation and especially the Race Equality Directive on the housing situation of Roma and Travellers

The Irish Government was generally complaint with the Race Equality Directive before it was implemented, in large part because the equality legislation in Ireland was enacted as recently as 1998. The legislation was subsequently amended in 2004 to take into account the Directive, but these changes were minor. In short the Race Equality Directive had little impact on Traveller accommodation in Ireland. The equality legislation has had some impact on Traveller accommodation in Ireland, particularly in relation to individual hardship cases, as outlined in the case law complaints and decisions in Section 4 of this study. However the main driver of improved Traveller accommodation policies in Ireland is primarily the Traveller (Housing Miscellaneous) Act of 1998.

1.1.9. The impact of general public policies on the housing situation of Roma and Travellers

Other general public policies, other than those detailed in this report, have had little impact of the housing situation of Roma and Travellers in Ireland. A good example is the Environmental Health legislation in Ireland, which should have been a catalyst for improving Traveller accommodation in Ireland. However this legislation was enforced by local authority environmental health officers who were effectively employed by the same local authorities that were supposed to provide adequate Traveller accommodation. This conflict of

²⁴ Equality Authority website. <http://www.equality.ie/index.asp?locID=106&docID=226>
(18.05.2009)

interest has been highlighted by Traveller organisations in shadow reports to international conventions.²⁵

1.2. Quantitative data on the housing situation of Travellers and Roma

1.2.1. Number of Travellers in Ireland

In the 2006 Census of Ireland there were 22,435 Irish Travellers counted, representing 0.5 per cent of the total national population of Ireland.²⁶ In the 2002 census of population, 23,681 Irish Travellers were counted, representing 0.6 per cent of the total national population.²⁷

The apparent decline from 2002 to 2006 in figures in the census is contradicted by figures from the annual count of families carried out by local authorities and submitted to the Department of the Environment, Heritage and Local Government. These reports show a 28.2 per cent growth in the number of Traveller families from 2002 to 2007. In 2007 there were 8,099 Traveller families, compared with 6,289 families in 2002. The growth or reduction of the numbers of Travellers and Traveller families in Ireland is a key issue for this study. For example, the extent to which local authorities consider additional Traveller accommodation needs arising from population growth and family formation will have a significant bearing on assessing whether their *Traveller Accommodation Programmes (TAPs)* (four year cyclical plans undertaken by local authorities) are sufficient to address projected need as opposed to current need.

All those interviewed for this study from both state and civil society organisations agreed that the drop in Traveller population between Census 2002 and Census 2006 is inaccurate. The annual count carried out by social workers for the Department of Environment Heritage and Local Government (the Government Department responsible for overseeing Traveller accommodation) is a more accurate guide to demographic trends. In short there has been a significant increase in the number of Traveller families and individual in Ireland

25 Pavee Point (2002) *Shadow Report to Ireland's First and Second Report to the International Convention on the Elimination of All Forms of Racial Discrimination*.

26 Central Statistics Office (2007) *Census 2006: Volume Five: Ethnic or Cultural Background, including the Irish Traveller Community*, available at: http://www.cso.ie/census/census2006results/volume_5/vol_5_2006_complete.pdf (19.01.2009)

27 Central Statistics Office (2004) *Census 2002: Volume Eight: The Irish Traveller Community*, available at: http://www.cso.ie/census/documents/vol8_entire.pdf (20.01.2009)

in recent years and this demographic growth has resulted in increased accommodation needs.

In respect to sedentary Travellers, a limited survey (42 Traveller respondents) indicated that 28 Travellers (66.6 per cent) did not travel at all, 10 of the remaining 14 respondents who did travel did so once a year (normally during the summer period) and 34 felt it was very difficult to travel even if they wanted to.²⁸

1.2.2. Housing Conditions

Data from the 2002 and the 2006 Census provides information on basic utilities and standards for Travellers and the extent of improvement during this period. Key indicators include access to piped water, sewage facilities and central heating:

- **Access to piped water:** In 2002, 37.6 per cent of Travellers were without piped water. By 2006 26.4 per cent were without piped water.
- **Sewage facilities:** In 2002, 35.2 per cent of Travellers had no sewage facilities and by 2006, 25.3 per cent had no sewage facilities.
- **Central heating:** In 2002, 91.3 per cent of Travellers had no central heating. By 2006, 91 per cent of Travellers were without central heating.

These figures indicate that as of 2006, approximately one quarter of Travellers in Ireland remain without access to the basic utilities of piped water and sewage facilities. However, it is also evident there have been significant improvement since 2002 in providing such facilities. The very high percentage of Travellers without central heating contrasts with the general population. In 2002 for example, only 13 per cent of the general population was without central heating.²⁹

A survey of 40 halting sites/group housing schemes undertaken by the Centre for Housing Research and funded by the Department of the Environment, Heritage and Local Government in 2008 shows:³⁰

28 Centre for Housing Research (2008) *Traveller-specific Accommodation: Practice, Design and Management*, p24
http://www.housingunit.ie/_fileupload/Publications/Traveller_Specific_Accommodation_-_Practice,_Design_and_Management_66183539.txt.pdf (20.01.2009).

29 Ireland/National Consultative Committee on Racism and Interculturalism; D. Silke, M. Norris, F. Kane and B. Portley (2008) *Building Integrated Neighbourhoods Part One: An Overview*

30 Centre for Housing Research (2008) *Traveller-Specific Accommodation: Practice, Design and Management*, pxvi available at:
http://www.housingunit.ie/_fileupload/Publications/Traveller_Specific_Accommodation_-_Practice,_Design_and_Management_66183539.txt.pdf (20.01.2009)

- 33 of 40 (82.5 per cent) of halting sites/group housing schemes surveyed had some form of environmental hazard nearby (electricity pylon, telephone mast, dumps, major roads, industrial pollution).
- 31 of 40 (77.5 per cent) of halting sites/group housing schemes surveyed had no or out of date emergency equipment.³¹

In short, an unacceptably high percentage of Travellers remain without basic facilities in Ireland, despite the good progress that has been made in recent years to reduce this historic deficit to basic living needs. Too many sites remain near environmental hazards. All these problems will have an impact on health and well-being (see also Section 1.2.10). They will also have a disproportionate impact on Traveller women, who remain the principal carers within the Traveller community for children and elderly, infirm or ill family members. Traveller accommodation conditions have often been in stark contrast to general housing conditions in Ireland.

General housing conditions in Ireland are good. A Europe-wide quality of life survey found that Ireland was rated fourth highest of the then EU (15 countries) on satisfaction levels with housing.³² A report carried out by the independent *Economic and Social Research Institute (ESRI)* in Ireland in 2000-2001 found that 92 per cent of the 40,000 households surveyed were satisfied with the general condition of their accommodation. The most satisfied were home owners (96 per cent), while householders living in the private rented sector or in housing rented from the local authority were the least satisfied at 83 per cent and 74 per cent respectively.³³

In 2007, of the 8,099 Traveller families accommodated across the state, a little less than a quarter (22 per cent) were living in Traveller-specific accommodation (halting sites or group housing). Almost half (45 per cent) were accommodated in non-Traveller-specific housing (i.e. standard social rented, voluntary and co-operative housing, etc), and a third (33 per cent) were in other accommodation types (i.e. private rented, unauthorised sites).³⁴

31 This primarily means equipment to tackle fires or to deal with other emergencies.

32 European Foundation for the Improvement of Living and Working Conditions (2006) *First European Quality of life Survey: Social Dimensions of Housing*, p71, available at: <http://www.eurofound.europa.eu/pubdocs/2005/94/en/1/ef0594en.pdf> (20.01.2009)

33 Economic and Social Research Institute; D. Watson and J. Williams (2003) *Irish National Survey of Housing Quality, 2001-2002*, available at: <http://www.esri.ie/UserFiles/publications/20060831091942/BKMNINT173summary.pdf> (20.01.2009)

34 Department of Environment, Heritage and Local Government (various years). *The Annual Count of Traveller Families*, available at: <http://www.environ.ie/en/Publications/StatisticsandRegularPublications/HousingStatistics/FileDownload,15291,en,XLS> (20.01.2009)

1.2.3. Housing Tenure

Census 2006 figures show that just over half (51.2 per cent) of Traveller families rent from a local authority. This is a significantly higher figure than for households in general in Ireland (7.2 per cent). Traveller families are much less likely to own their home compared to general households: 21.1 per cent of Traveller families compared to 74.6 per cent of households as a whole. Two-thirds (66 per cent) of Traveller families reported living in households of 3–5 rooms compared to 43.7 per cent of the total households. 9.3 per cent and 24.9 per cent of Travellers enumerated lived in caravans and mobile homes respectively, while 69.1 per cent lived in permanent accommodation (including permanent accommodation in Traveller-specific accommodation). An additional 6 per cent did not state their type of accommodation. From the Census data of 2002 and 2006 and annual counts of families from 2002-2007, the following trends emerge:

- The numbers of Travellers living in permanent accommodation, especially local authority housing and group housing, has been increasing in recent years.
- Only approximately one-quarter of the Traveller population live in Traveller-specific accommodation, and the number of families accommodated on halting sites is decreasing.
- In relative terms there is little change in the numbers of Traveller families living in unauthorised/unregulated encampments since 1963.³⁵

Table One. Summary of Housing for Traveller Families, 2007³⁶

1.Housed with Local Authority Assistance	
Group Housing	677
Halting Sites	1140
Total Traveller-specific Housing	1817
Standard Social Housing Rented	3071
Private Housing with Local Authority Assistance	444
Voluntary Housing with Local Authority Assistance	104
Total Non Traveller-specific Housing	3619
2.Housed without Local Authority Assistance	
Unauthorised Sites (Roadside)	594

35 Centre for Housing Research (2008). *Traveller Accommodation in Ireland: Review of Policy and Practice*, p30, available at: http://www.housingunit.ie/_fileupload/Publications/Traveller_Accommodation_in_Ireland_-_Review_of_Policy_and_Practice_54631618.pdf (20.01.2009)

36 Ireland/Department of Environment, Heritage and Local Government (2008) *The Annual Count of Traveller Families*, available at: <http://www.environ.ie/en/Publications/StatisticsandRegularPublications/HousingStatistics/FileDownload,15291,en.XLS> (20.01.2009)

Own Resources	489
Private Rented	1143
Shared Housing	437
Total without Local Authority Assistance	2663
Grand Total	8099

1.2.4. Regulated Encampments

In 2007 the number of Traveller families living in regulated (authorised) accommodation was 7505 (93 per cent) of the total 8099 Traveller families in the Republic of Ireland.³⁷ This includes Travellers in Traveller-specific (halting sites and group housing schemes) and Non Traveller-specific housing (standard local authority, private and voluntary housing).

1.2.5. Unregulated Encampments

In 2007 the number of Traveller families living in unregulated (unauthorised) accommodation was 594 (7 per cent) of the total 8099 Traveller families in the Republic of Ireland.³⁸

1.2.6. Segregated Settings

The numbers of Travellers living in segregated settings is a complex question. At one extreme, all forms of Traveller-specific accommodation could potentially be defined as being segregated (i.e. predominantly Traveller only accommodation). However, ‘segregated settings’ may give the unintended impression that Traveller-specific accommodation is a negative form of tenure, when the experience in Ireland outlined in this case study indicates that this is not the case. It is also evident that efforts can be made to integrate Traveller-specific accommodation into general housing schemes through careful and

37 Ireland/Department of Environment, Heritage and Local Government (2008) *The Annual Count of Traveller Families*, available at <http://www.environ.ie/en/Publications/StatisticsandRegularPublications/HousingStatistics/FileDownload,15291,en.XLS> (20.01.2009)

38 Ireland/Department of Environment, Heritage and Local Government (2008) *The Annual Count of Traveller Families*, available at: <http://www.environ.ie/en/Publications/StatisticsandRegularPublications/HousingStatistics/FileDownload,15291,en.XLS> (20.01.2009)

sensitive forward panning.³⁹ The numbers of Travellers living in segregated settings (i.e. predominantly Traveller only accommodation) is 1817 families (22.4 per cent) out of a total of 8099 families in 2007. This is based on the number of Travellers living in Traveller-specific accommodation. A survey of 42 Travellers across different types of Traveller-specific accommodation undertaken in 2008 indicated that:⁴⁰

- 11 (26.1 per cent) of the 42 had been living on the site/group housing scheme one year or less
- 15 (33.7 per cent) had been living in the site/group housing scheme between one and five years
- 13 (40 per cent) had been living in the site/group housing scheme between five and twenty years
- 3 (7.1 per cent) had been living in the site/group housing scheme for more than twenty years
- 40 (95.2 per cent) had previously lived in other accommodation.

1.2.7. Household Type and Size

The demographic profile of the Traveller community in Ireland is of major significance to this study. The Traveller age and age-at-marriage profiles and family size are significantly different to the general Irish population. According to Census 2006, the median age of Travellers is 18 years compared with 33 years for the general population.⁴¹ 41.4 per cent of Irish Travellers are aged 14 years or younger. 20.5 per cent are in the 15-24 year bracket. This compares with 20.5 per cent of the general population aged 14 or younger and 14.9 per cent in the 15-24 year bracket. Only 2.6 per cent of the Irish Traveller population is aged 65 or over compared with 11 per cent in the general population.⁴² Travellers marry at an earlier age to the general population. 21.6 per cent of male Travellers and 36 per cent of female Travellers in the 15-24

39 See Case Study on Ireland undertaken by the ERRC and Pavee Point which includes good practice in South Dublin County Council on this issue.

40 Centre for Housing Research (2008) *Traveller-specific Accommodation: Practice, Design and Management*, p6, available at: http://www.housingunit.ie/_fileupload/Publications/Traveller_Specific_Accommodation_-_Practice,_Design_and_Management_66183539.txt.pdf (20.01.2009)

41 Central Statistics Office (2007) *Census 2006: Volume Five: Ethnic or Cultural Background, including the Irish Traveller Community*, available at: http://www.cso.ie/census/census2006results/volume_5/vol_5_2006_complete.pdf (20.01.2009)

42 Central Statistics Office (2007). *Census 2006: Volume Five: Ethnic or Cultural Background, including the Irish Traveller Community*, available at: http://www.cso.ie/census/census2006results/volume_5/vol_5_2006_complete.pdf (21.01.2009)

age bracket are married, compared with only 2.4 per cent of males and 2.7 per cent of females in the general population.

In relation to family size, in 2006 41.6 per cent of the Irish Traveller families had 5 or more members, compared with 14.5 per cent in the general population. According to the *Centre for Housing Research*, ‘these figures have significant implications for both current and future Traveller accommodation and for the management and maintenance of such accommodation. Households will more likely form earlier amongst members of the Traveller community and will continue to form at a high rate in the future, based upon the current age and age-at-marriage profiles’.⁴³

1.2.8. Data on Forced Evictions

There are no national statistics on Traveller evictions in Ireland that are centrally collected and collated by central government. In the period 2000-2003 a total of 1030 Traveller families were evicted, according to the Irish Times from information received under the Freedom of Information Act.⁴⁴ In 2005, Pavee Point, a national NGO, sent 33 separate Freedom of Information requests to local authorities. The response was patchy and inconsistent and only a partial picture is available. Many local authorities stated that the information was not available or they failed to respond to the request. The authorities included Mayo, Meath, Galway, Limerick County, Kildare, and Dun Laoghaire Councils. Some including Cavan, Cork City, Donegal, Sligo, Waterford City and Waterford County stated that no evictions had been served. For the period August 2001 to August 2002 there were 471 Traveller families served with eviction notices to move without being offered alternative accommodation. Where accommodation was offered, it was not always satisfactory.⁴⁵

- South Dublin County Council issued 437 eviction notices from 1998-August 2005
- Laois County Council issued 187 eviction notices from 1998-August 2005
- Fingal County Council issued 155 eviction notices from 2000- June 2005
- Clare County Council issued 101 notices 2002-2004

43 Centre for Housing Research (2008) *Traveller Accommodation in Ireland: Review of Policy and Practice*, p25, available at:

http://www.housingunit.ie/_fileupload/Publications/Traveller_Accommodation_in_Ireland_-_Review_of_Policy_and_Practice_54631618.pdf (23.01.2009)

44 J. Humphreys (2003) ‘Use of law against Travellers “unjust” Study claims that trespass legislation is being used unfairly against Travelling community’, in: *The Irish Times* (19.07.2003), p. 53, available at:

<http://www.irishtimes.com/newspaper/ireland/2003/1124/1069458612097.html> (24.01.2009)

45 E-Mail from Pavee Point Travellers Centre to Philip Watt, March 2009

- North Tipperary County Council issued 76 eviction notices from 2000-June 2005
- Limerick City issued 44 notices from 1998-2004.

1.2.9. Access to Public Utilities

Data on access to public utilities across a range of Traveller-specific accommodation reveals that while access to essential services was adequate for most sites/group housing schemes, there was significantly reduced access to non-essential services. 35 (87.5 per cent) out of 40 sites/group housing schemes had access to essential services (i.e. general practitioner doctor, schools, local shops, public transport, were located in close proximity to the site). 15 (37.5 per cent) had access to non-essential services (as defined by other shops, churches, community support networks, located in close proximity to the site).

1.2.10. Halting Sites

According to the Report of the High Level Officials group established in 2003, there were some key Traveller accommodation achievements at the end of the first Traveller Accommodation Programme 2000-2004. These included:

- A reduction of over 50 per cent in the number of families on unauthorised sites
- 1371 additional families provided with permanent, secure accommodation and a reduction in the number of Travellers sharing accommodation.

However, Traveller NGOs have consistently pointed out that despite progress in the first and second Traveller Accommodation Programmes, the supply of accommodation units is not meeting current or projected demand, particularly as a result of demographic growth and new family formation within the Traveller community.⁴⁶ For example, in the second Traveller Accommodation Programme (2005-2008) the Irish Traveller Movement pointed out that there was a gross demand for 3,029 units of Traveller-specific accommodation, but the targets set by local authorities in their individual Traveller accommodation programmes was only 2,679 units. Even if all these units were completed it would leave a shortfall of 350 units.⁴⁷

Travellers are increasingly accessing social housing and private rented housing in Ireland through the Social and Affordable Housing Provision. Traveller

46 Ireland/Department of Justice, Equality and Law Reform (2006) *Report of the High Level Officials Group*

47 Irish Traveller Movement (2008). *Traveller Accommodation Resource Pack, Section Eight*

families (particularly young married couples) accessing private rented accommodation face numerous challenges. Groups working in this area have raised concerns about access, affordability and quality, and cite cases of landlords not wanting Travellers as tenants.⁴⁸

There is a perception that some landlords refused to let properties when they realised that the prospective tenants were from minority ethnic communities and had children. However, in general, those interviewed for the Centre for Housing Research study did not report high incidences of racism or discrimination on the basis of ethnic origin. Instead, it was more likely that people were vulnerable due to a lack of income or language difficulties.

The behaviour of some minority ethnic tenants, including Travellers, was viewed by some as antisocial, e.g. having large social gatherings on the premises. A lack of appreciation regarding culturally appropriate behaviour was considered the root cause in many cases. Concern was raised, however, in relation to incidences of overcrowding, particularly in the lower-cost end of the sector and for families. But there was a lack of concrete evidence in relation to this point. Problems related to sub-letting and to landlords finding it difficult to establish how many people were living in their accommodation, with associated fire safety concerns, were also raised in this context.⁴⁹

1.2.11. Impact of Housing Conditions on Education, Employment and Health

Housing conditions impact the right to education, the right to employment and the right to the highest attainable level of health. The Department of Health and Children concluded in its Traveller Health Strategy, 'There is little doubt that the living conditions of Travellers are probably the single greatest influence on health status. Stress, infectious disease including respiratory 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'.⁵⁰

48 D. Silke; M. Norris; F. Kane; B. Portley (2008) 'Building Integrated Neighborhoods, Towards an Intercultural Approach to Housing Policy and Practice in Ireland, p74, available at: www.unit.ie/_fileupload/Publications/NCCRI_Integ_Nbhood_part1_9289448.pdf (06.03.2009)

49 D. Silke; M. Norris; F. Kane; B. Portley (2008) 'Building Integrated Neighborhoods, Towards an Intercultural Approach to Housing Policy and Practice in Ireland', p74-75. Available www.unit.ie/_fileupload/Publications/NCCRI_Integ_Nbhood_part1_9289448.pdf (06.03.2009)

50 Ireland/Department of Health and Children (2002-2005) *Traveller Health: A National Strategy 2002-2005*, p28, available at: http://www.dohc.ie/publications/pdf/traveller_health.pdf

In relation to education in 2006 primary level schooling was the highest level of education attained by 77 per cent of Travellers, compared with 18.9 per cent of the general population. Furthermore, only 0.4 per cent of the Traveller population has a degree or participated in third level education, compared with 19.4 per cent of the general population. The reasons for Traveller under-participation in school after primary level are multi-faceted and include evictions, poor experiences of schooling, withdrawal of children after religious sacraments, and withdrawal of boys to help sustain the Traveller economy.

1.3. Qualitative information on the housing situation of Travellers and Roma

1.3.1. Quality of Housing available to Travellers and Roma

There is a range of governmental and non-governmental reports highlighting the problems facing Travellers and adequate accommodation in Ireland. The annual reports of the government-appointed National Traveller Accommodation Consultative Committee (NTACC) provide an important benchmark on progress at a national level. The Chairperson's Statement of the 2006 Report acknowledges progress in Travellers in group housing and standard accommodation but states, 'The provision of permanent facilities for those Traveller families living on unauthorised sites is an issue that demands urgent attention from all those responsible for the provision of Traveller accommodation'.⁵¹ The work of the national Traveller non-government organisations is an important source of qualitative data.

The Irish Traveller Movement has a dedicated accommodation unit that has produced numerous reports on Traveller accommodation, including a major report in 2002.⁵² The ITM acknowledges in a 2007 report that while some progress has been made in the delivery of permanent accommodation, local authorities have been unable to meet their targets and unable to provide the full compliment of accommodation set out in their *TAPs*. The report contended the few transient bays that do exist are used for permanent accommodation.

Pavee Point Traveller Centre made a submission to local authorities on the Traveller Accommodation Programme 2005-2008, highlighting the following issues:

51 Ireland/National Traveller Accommodation Consultative Committee. *Annual Report 2006*, p4, Chairpersons Statement

52 Irish Traveller Movement (2002) *Charting a Future Strategy for the Delivery of Traveller Accommodation*

- Substandard accommodation conditions and overcrowding contribute to poor health, accidents, low fire safety standards and conflict within the community
- Serious under-provision of accommodation which results in doubling up, over-crowded bays and backyards and common spaces
- Regular 'non directive' assessments of Traveller accommodation needs are important. The submission contends that some Travellers opt for standard housing in the private and social housing sector 'in the absence of appropriate Traveller-specific accommodation being made available to them'.⁵³
- There is a lack of progress in building transient sites
- Evictions are sometimes arbitrary and unnecessary. When Traveller families are evicted from one local authority to another, they are in danger of losing their place on the respective accommodation list
- No Traveller should be required to live on a temporary site for longer than two to three years.

Traveller representatives have also pointed out that progress has been made in recent years in aspects of Traveller accommodation, in particular the refurbishment of existing sites. Martin Collins, Assistant Director of Pavee Point contends: 'To be fair now to the local authorities and the DOE [Department of Environment] that when it comes to refurbishments or redevelopments of existing accommodation the standard is excellent and a lot of thought has gone into materials that would be used in refurbishments and redesign. There would be some local dialogue and consultation with Travellers, in some situations, not in all, but there are examples where local authorities have really upgraded to very high standards in terms of refurbishments and redevelopments'.⁵⁴

1.3.2. Issues of Spatial and Social Segregation

The social marginalisation of Travellers in Irish society has been well documented. A range of studies has focussed on issues such as discrimination in relation to places of recreation and entertainment.⁵⁵ A common problem is the refusal of hotels to cater Traveller weddings and other important family events. However, Traveller attendance in schools at primary level is very high and attendance at secondary schools is improving steadily. The interaction between

53 Pavee Point (2005) *Submission by Pavee Point Travellers Centre to Local Authorities on the Traveller Accommodation Programmes (2005-2008)*, p 4

54 Semi-structured interview with Pavee Point (25.02.2009)

55 Pavee Point (2006) *Assimilation Policies and Outcomes: Travellers' Experience*, available at: <http://www.paveepoint.ie/publications-racism.html> (18.05.2009)

social segregation and spatial segregation is a complex issue that needs further research, as living on Traveller-specific accommodation does not necessarily militate against attendance in local schools or other opportunities of interaction, such as sport or participation or church services. However other factors such as having a home address as a Traveller site has resulted in discrimination in employment.⁵⁶

1.3.3. Access to Private Housing

There has been no research undertaken in Ireland in relation to Travellers experiences in accessing private housing. Historically, very few Travellers have owned their own homes. However, in recent years the numbers of Traveller homeowners and those in the private rented sector is increasing.

1.3.4. Access to Social Housing

Through government policy, Travellers have been actively encouraged to access local authority housing and the data would show that this trend has accelerated in recent years. However, there have been complaints from Traveller NGOs that some local authorities appear to be slow at developing Traveller-specific accommodation in order to pressure Travellers into social housing. There have also been suspicions by Traveller NGOs that some local authorities operate a separate housing list for Travellers, sometimes through an effort to prevent Traveller families from clustering in a particular housing scheme.⁵⁷ There have been very limited efforts and no examples of the voluntary housing sector being involved in Traveller accommodation in Ireland. The Department of Environment, Heritage and Local Government have indicated their intent to explore the potential of the participation of voluntary housing providers (housing associations) in future.⁵⁸

1.3.5. Forced Evictions

The Housing (Miscellaneous Provisions) Act, 2002 is highlighted as a particularly unjust and anti-nomadic piece of legislation by both Pavee Point and the Irish Traveller Movement. For example, ITM contended in 2007 ‘this law was introduced at a time when over 1000 Traveller families were living on

56 Semi-structured interview with Pavee Point (25.02.2009)

57 Semi-structured interview with Pavee Point (25.02.2009)

58 Semi-structured interview with Traveller Unit, Department of Environment, Heritage and Local Government (03.2009)

public land through no fault of their own'.⁵⁹ The submission highlights the lack of notice that has to be given before an eviction takes place and that non-compliance can lead to arrest: 'The law sends out the message that nomadism is not supported by the state and in practice it has meant that Travellers are no longer able to pursue nomadism for fear of imprisonment, and confiscation of their family home'.⁶⁰ Some of the Third Traveller Accommodation Programmes published by local authorities in 2009 indicate that if effective TAPs are put into place, the number of enforced evictions dramatically decreases: 'The negative perception of Traveller developments is somewhat overcome where properly developed and managed sites are provided. The difficulties experienced through unauthorised encampments have been addressed and this situation is reinforced by the success of the permanent developments that have been provided to date in the County'.⁶¹

1.3.6. Legality and Legalisation of Settlements

A respondent with Donegal Travellers Development Group highlights the impact of poor conditions evident on temporary halting sites and delays in making them into permanent fully serviced sites: 'I was out in Donegal on Tuesday with a Traveller family who have lived on a temporary site that was built by the County Manager in 1999 for a period of a maximum of five years. It was meant to be closed down then and permanent housing was meant to be provided. At the moment they are on the side of the temporary site, outside the fence with three families of an extended family because the temporary site has been done up since November. So they have spent Christmas in the freezing cold and snow and sub-zero temperatures... living on gravel with one Port-a-Loo and one cold tap and they are looking in at a tarmacadamed big square space all fenced out with lovely fencing around it and good features in it, but they can't get into it because nobody has ever finished or connected anything, and that is only one example in Donegal. This is a temporary site being done up for a family with many children, one of them with serious respiratory problems. Many of the children have to use this. There are reoccurring health issues that our current health care project would work with all the time. One of the boys would be very ill and sent to hospital any number of times'.⁶²

59 Irish Traveller Movement (2007) *Discussion document progressing the provision of accommodation to facilitate nomadism*, p4

60 Irish Traveller Movement (2007). *Discussion document progressing the provision of accommodation to facilitate nomadism*, p4

61 South Dublin County Council (2009) *Traveller Accommodation Programme 2009-2013*, available at: www.southdublin.ie (15.03.2009)

62 Semi-structured interview with Donegal Travellers Development Group (03.2009)

1.3.7. Movement, Encampment and Use of Private Land

Nomadism among Travellers has significantly decreased in recent decades because of the combination of a wide range of issues, including for example and increased evictions powers available to local authorities, changes within the Traveller economy, including in particular the obsolescence of traditional skills in rural areas such as tin-making. Improved site provision and the trend towards accommodation in general housing are also factors. The biggest failure of the 1998 Act has been the lack of transient sites built in Ireland that would facilitate greater nomadism (see Section 2.1 of this study).

In contrast to Britain,⁶³ there has been no policy initiatives specifically aimed at Travellers to encourage private ownership of land for sites or 'pitches', nor has there been significant lobbying by Traveller organisations for this option. This is likely because of the perceived failure of this policy by Irish Traveller NGOs in Ireland.

1.3.8. Access to Public Utilities

The Irish Traveller Movement has lobbied for many years for the improvement of Traveller-specific accommodation and has produced a comprehensive resource pack available to its members that emphasises the importance of access to public services.⁶⁴

ITM, Pavee Point and the National Travellers Women Forum have all called for the government to establish a 'Traveller Agency' to ensure the implementation all aspects of Traveller policy,⁶⁵ or a dedicated 'National Traveller Accommodation Agency' that would act as a 'national driver' to secure the delivery of Traveller accommodation, including access to public facilities.⁶⁶

Traveller women almost invariably have the primary role in raising children and looking after elderly or sick relatives. Lack of facilities for children on sites including play facilities or crèches and remoteness to basic services, including shops and hospital/doctor services has a larger impact on Traveller women than on men. As Pavee Point noted in a 2004 shadow report to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 'Traveller women are the custodians of Traveller culture. They are the care – givers with the main responsibilities of childcare and negotiate between schools, doctors and other services for the family. However, for many Traveller women

63 United Kingdom/Criminal Justice and Public Order Act (1994)

64 Irish Traveller Movement (updated 2008) *Traveller Accommodation Resource Pack*

65 Pavee Point (2005) *Shadow Report. Ireland's First and Second Report to the Committee on the Elimination of all Forms of Racial Discrimination*, p.38

66 Irish Traveller Movement (2007) *Discussion document progressing the provision of accommodation to facilitate nomadism*, p.8

this role is burdened by human rights violations in relation to accommodation, i.e., with no water, no electricity, inadequate services provision and the constant threat of eviction'.⁶⁷

1.3.9. Third Country Nationals/Roma Access to Accommodation in Ireland

On 1 January 2007, Romania and Bulgaria joined the EU and therefore their citizens became free to travel within other EU states. However, under the European Communities (Free Movement of Persons) Regulation 2006,⁶⁸ Romanian and Bulgarian citizens are entitled to stay for longer than three months only if they are employed, are students, have sufficient funds to support themselves and/or have health insurance. Under a *Habitual Residency Condition* clause these citizens are not entitled to social assistance unless they are normally resident in the country for two years.⁶⁹ Members of the Roma community are also restricted from working unless they hold a visa.

In the summer of 2007, 86 members of the Roma community were living in an illegal encampment at a roundabout near Dublin's main orbital motorway, the M50, and in a derelict house nearby, with no sanitation facilities, running water or adequate shelter. The location of the site beside the motorway also involved public safety issues. After two months of living in these conditions the families were removed from the site and took voluntary repatriation back to Romania. During these two months more than 20 groups had supported these families in a variety of ways.⁷⁰

1.3.10. Campaigns on the Right to Adequate Housing

From the 1960s through to the mid 1990s the relationship between the state and Traveller organisations was very conflictual in Ireland. There were no mechanisms for engagement on issues such as accommodation. Since the mid-

67 Pavee Point (2004) *Shadow Report to the Convention on the Elimination of Discrimination Against Women* (CEDAW), p.10

68 <http://www.inis.gov.ie/en/INIS/SI656of2006.pdf/Files/SI656of2006.pdf> (24.09.07)

69 The Social Welfare Act, 2004 introduced the HRC after EU Accession. There have been a number of reports on the effects of the HRC on migrant workers. See for example: Migrants Rights Centre Ireland (2006) *Social Protection Denied-The Impact of the Habitual Residence Condition on Migrant Workers*, executive summary available at: <http://www.mrci.ie/publications/index.htm> (25.02.09)

70 See Pavee Point press release available at: http://www.paveepoint.ie/news/press_july_07_13.html and newspaper articles available at: <http://www.independent.co.uk/news/world/europe/ireland-deports-roma-after-standoff-over-roundabout-458753.html> and <http://www.irishtimes.com/newspaper/ireland/2007/0726/1185229890587.html> (20.05.2009)

1990s Traveller NGOs have adopted a range of multifaceted strategies to ensure adequate accommodation for Travellers. These have included:

Reports highlighting conditions

Awareness weeks/programmes

Submissions to bodies responsible for accommodation at local and national level

The development of a network of local Traveller support groups across Ireland.⁷¹

1.4. Case law and complaints relating to the housing of Roma and Travellers

The Equality Tribunal is the accessible and impartial forum to remedy unlawful discrimination. It is an independent statutory office that investigates or mediates complaints of unlawful discrimination. It operates in accordance with the principles of natural justice and its core values are impartiality and professionalism, accessibility and timeliness. It is independent and quasi-judicial and its decisions and mediated settlements are legally binding.

The Equality Tribunal's principal role is the investigation and mediation of complaints of discrimination in relation to employment and in relation to access to goods and services, disposal of property and certain aspects of education. This protection against discrimination applies to all nine grounds on which discrimination is prohibited under Irish equality legislation. Where a complaint of discrimination is upheld, redress can be awarded. The Tribunal may also investigate complaints of discrimination on the grounds of gender under the Pensions Act, 1990-2004, where an employer has failed to comply with the principle of equal treatment in relation to occupational benefit or pension schemes. The Tribunal has jurisdiction in all areas covered by the equality legislation with the exception of service in licensed premises and registered clubs (claims are referred to the District Court).⁷²

The Equality Authority is an independent body set up under the Employment Equality Act 1998. It was established on 18th October 1999. The Equality Authority replaced the Employment Equality Agency, and has a greatly expanded role and function. The Employment Equality Act, 1998 and the Equal

⁷¹ For further information see Irish Traveller Movement Website www.itm.ie and Pavee Point Website www.pavee.ie

⁷² <http://www.equalitytribunal.ie/> (13.03.2009)

Status Act, 2000 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally have access on nine distinct grounds. The Equality Authority seeks to achieve positive change in the situation and experience of those groups and individuals experiencing inequality by stimulating and supporting a commitment to equality:⁷³

- Within the systems and practices of key organisations and institutions
- As part of the cultural values espoused by society
- As a dimension to individual attitudes and actions.

The Equality Authority and the Equality Tribunal both record and process complaints on all nine equality grounds, including discrimination against Travellers. The Equality Authority provides an information source on discrimination in the area of accommodation. It should be noted, however, that this information reflects the priorities of the Authority's Board, and does not necessarily measure the full extent of housing discrimination in Ireland.⁷⁴

The Private Residential Tenancies Board (PRTB),⁷⁵ which provides a dispute resolution service in the private rented sector, published its first Annual Report in January 2007. The report covers the period September 2004 – December 2005. The PRTB does not record information disaggregated by ethnicity and therefore a breakdown of cases on this basis is unavailable.

A case from the Equality Authority in 2007 concerning accommodation was *Doherty v South Dublin County Council (Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General)*. After the Supreme Court affirmed the order of the High Court granting liberty to the Equality Authority to appear as *amicus curiae*, this substantive matter came on for hearing. (The Equality Authority provided a written submission and oral argument). The 2006 Annual Report noted the important concession made by the respondents at the outset that Section 6(6) of the Equal Status Acts 2000 to 2004 could not be construed as allowing less favourable treatment. The proceedings were brought by two older members of the Traveller community who were in poor health and who were seeking habitable accommodation from their local housing authority through the provision of a caravan. The case made by the applicants was that they were discriminated against because in providing

⁷³ <http://www.equality.ie/index.asp> (13.03.2009)

⁷⁴ The Equality Authority (2006) *Annual Report*, p. 17, available at: <http://www.equality.ie/index.asp?locID=136&docID=684> (24.02.09)

⁷⁵ The Private Residential Tenancies Board (PRTB) was established on a statutory basis on 1 September 2004 and has three main areas of activity: the operation of a national registration system for all private residential tenancies; the operation of a dispute resolution service; and the provision of information, carrying out of research and the provision of policy advice to the Minister for Housing and Urban Renewal regarding the private rented sector. See www.prtb.ie.

accommodation under the Housing Act, 1966 to 2004, the Housing Authorities Acts merely provided a site but no habitable accommodations (namely a caravan or mobile home) to Travellers in contrast with the treatment of members of the settled community who are accommodated in houses. Reliance was placed on both the provisions of the Equal Status Acts 2000 to 2004 and on the provisions of the Race Directive 2000/43/EC. It was further contended that the housing authority was under a legal duty (regarding the principles laid down in the European Convention on Human Rights Act, 2005 and the provision of the Housing Acts) to provide the applicants with a caravan that would allow them to lead a normal family life together. Owing to the concessions made by the respondent concerning the interpretation of Section 6(6), there was no need to pursue the contention that there had been a failure to transpose the Race Directive (by reason of the failure to amend Section 6(6) in the Equal Status Acts). Mr C found that the Equal Status Acts 2000 to 2004 were not justiciable outside the framework of compliance established by the Equal Status Acts 2000 to 2004 and therefore could not be relied on by the plaintiffs in their High Court proceedings.

Mr C made a brief reference to the Race Directive: ‘It is not impressive that accommodation offered to the applicants only on a temporary basis has continued to be their place of residence for in excess of six years. Nor is it helpful that two substantive offers were made to the applicants only at the commencement of these proceedings. It is important to record, however, that insofar as accusations of unequal treatment and mentions of the Race Directive may give rise to the suspicion that the worst forms of motivation for human conduct are at play here, the Courts found no evidence on the papers before it that the respondents have acted out of prejudice against Travellers’.

Mr C found that if he were to analyse the case of the applicants under the Equal Status Acts, 2000 to 2004, he did not feel that he could hold that their treatment had been discriminatory. Mr C found that there had been no failure by the respondent housing authority to fulfil its duty under the relevant provisions of the Housing Acts. He also analysed the human rights arguments and found that the plaintiff’s claims in this regard failed as well. There is no reference in the judgement to the meaning of discrimination in either the Equal Status Acts 2000 to 2004 or the Race Directive. There is a lack of defences to claims of discrimination under either Section 6 of the Equal Status Acts 2000 to 2004 and/or the Race Directive for the obligations on local authorities. There is no comprehensive analysis of the interaction between the provisions of the Housing Acts and the Equal Status Acts 2000 to 2004 and the Race Directive or the implications of the onus of proof provisions in the Equal Status Acts 2000 to 2004 and the ‘Race’ Directive. The judgement of the High Court was appealed and was settled on appeal. The terms of the settlement are confidential.

The following case is an example, reported through the media, of a case that is quite informative of the situation for Travellers with regard to housing in Ireland. A Traveller couple and their three young children, who were living in a

one bedroom chalet on a temporary halting site in Killarney since late 2004, lost their High Court action, in July 2008, to be provided with a three-bedroom council house as a matter of urgency. While the entire family was sharing one bed in the chalet, their conditions do not constitute “overcrowding” within the meaning of the Housing Acts, as the children are all aged less than 10 years, according to Mr C Michael Peart. Justice Peart rejected claims that Killarney Town Council had breached either the Housing Acts, its Traveller accommodation programme or the anti-discrimination and equality provisions of the European Convention on Human Rights in its treatment of the housing application of Vera and Thomas Dooley and their three children.

The council assessed the family in 2006 as requiring a three-bedroom house but claimed it was entitled to allocate housing on the basis of who is in most need. The Dooleys’ circumstances placed them in the sixth category of preference for allocation of housing. The council was entitled to a fair margin of appreciation in how it implemented its programme although it must always make its allocation on the basis of greatest need, which was not the same as length of time on the housing list, the Judge said. In an ideal world, he added, every person on a housing list would get a house without delay, ‘but none of us inhabit such an ideal world’. The family had failed to establish that the council was permitting them to ‘needlessly languish’. Justice Peart noted the council was developing a scheme of 60 houses at Dirrane and the family may be allocated a house in that scheme. In the interim, he noted that, during the hearing of the case, the family had accepted, on a temporary basis and without prejudice to their wish to be allocated a house, the council’s offer of a replacement one-bedroom chalet with a two-bedroom unit attached to it.⁷⁶ Legislation that could inadvertently result in indirect discrimination of Roma and Travellers in housing is exemplified by this case of overcrowding.

The Equality Authority has the liberty to appear as an *amicus curiae* in cases. One example of this (2007) involved proceedings taken by a Traveller family on a number of issues including failure of the local authority to meet their housing needs and the contention that the Criminal Justice (Public Order) Act, which criminalises entry occupation of certain lands and allows the Gardai Siochána to arrest and remove caravans, discriminates against the Traveller community. For more detail, see the Supreme Court case [2007] 1 I.L.R.M. 241 *Paddy Doherty and Bridget Doherty v South Dublin County Council the Minister for the Environment, Heritage and Local Government Ireland and the Attorney General and, by order, the Equality Authority (Amicus Curiae) 2006 No. 223.*

76 M. Carolan (2008) ‘Traveller family fails to prove it “languished” on housing list’, in: *The Irish Times* (16.07.2008), available at: <http://www.irishtimes.com/newspaper/ireland/2008/0716/1216073113216.html> (16.02.2009)

It is worth noting that the National Courts of Ireland dealt with 23 cases concerning Traveller Accommodation during the period 2000-2009.⁷⁷ One of these included: O'DONOGHUE v LIMERICK CORPORATION; (1999/354JR), High Court, Herbert J., February 6, 2002. The applicants sought a declaration that the respondents had failed to provide them with suitable accommodation under the Housing Acts 1966–1992. The applicants, who were a family of Travellers with four young children, had been living with no services on the side of a public road for over two months prior to the making of the application. It was held, in granting the relief sought, that the applicants were entitled on a very high degree of priority to the provision of a site for a caravan in the functional area of the respondent. Under s.23 of the Housing (Traveller) Accommodation Act 1998, the Housing Authority was not inhibited from providing accommodation by reason of the fact that the Housing Authority had not adopted a Traveller Accommodation Programme for its functional area. The functions of a housing authority must be performed in a reasonable and rational manner and must involve the adoption of a coherent and fair system of allocating halting sites to persons included in the most recent assessment of needs. No evidence was offered to the Court that the applicants' need for accommodation had not been established. A principal object of the 1998 Act was to eliminate discrimination in the provision of accommodation between members of the settled community entitled to such accommodation and members of the Traveller community entitled to such accommodation. The respondents had a statutory obligation to make all reasonable efforts in accordance with their resources to provide a site for a caravan for the applicants within a reasonable time having regard to the urgency of the particular case. The respondents had failed to discharge their statutory obligation to provide a site for the caravan of the applicants.

1.5. Identifying Good Practices

Example One: Title: 'Our Geels' ['Our Community'] All-Ireland Traveller Health Study and Traveller Census of Population.⁷⁸

Organisation: Undertaken by the Government of Ireland lead by the Department of Health and Children in partnership with key stakeholders, including Travellers NGOs. Research undertaken by *University College Dublin*.

Type of Initiative: Action Research project involving all main stakeholders, including Travellers.

⁷⁷ A full list of these cases has been provided in Annex 1.

⁷⁸ <http://pavee.ie/ourgeels/>

Total Budget and Source of Funding: €3m in total from the Department of Health and Children and Office of the First and Deputy First Minister (Northern Ireland).

Rationale, Objectives, Description, Target Group: The interaction between Traveller accommodation and health will be a key focus of the *All-Ireland Traveller Health Study*. It will be the first study of the health status of Travellers that involves all Travellers living in Ireland, North (Northern Ireland) and South (Republic of Ireland). It is jointly funded by the *Department of Health and Children* in the south and the *Department of Health, Social Services and Public Safety* in Northern Ireland. The study will include a census of the Traveller Population and an examination of their health status, to assess the impact of the health services currently being provided and to identify the factors that influence morality and health status. It is expected that the Study will take up to three years to complete.

Time frame and location: Commenced in July 2007 and is due to be completed in 2010. It is an all-island study covering both the Republic of Ireland and Northern Ireland.

Main Activities: The study will focus on health needs as identified by Travellers and health services providers and measures the health status of Traveller. The findings from the study will provide a framework for policy development and practice in relation to Travellers. The *Health Service Executive, (HSE)*, e.g. *Traveller Health Units*, will be playing a very important role in the study. *Public Health Nurse* colleagues who provide services to travellers will also be involved. The Social Inclusion team in the *OECD* are co-ordinating for the HSE and are working closely with *University College Dublin*⁷⁹ on the implementation of the study.

Preparations are now well underway for the first *all-island Census of Traveller Population* to be carried out from October 2007 onwards. The Census, which will include information on accommodation, is part of the All-Ireland Traveller Health Status Study. Only Travellers who self ascribe will be included in the Census this means that individuals who do not wish to be identified as Travellers will not be included.

It has been 20 years since Traveller Health was examined in the South of Ireland by the *Health Research Board (HRB)*. Those findings highlighted that Travellers of all ages have much higher mortality rates than people in the general population, with differentials in life expectancy averaging eleven years less than the general population. No national research has been conducted on Travellers since 1987 until now.

79 <http://www.ucd.ie/phps/index.html>

The first *all-island Census of Traveller Population* implicitly recognises that the five-year national Census of Population is producing inaccurate statistics on the size of the Traveller population in Ireland (see Section 1.2. of this report).

Traveller Participation: Traveller NGOs at both national and local level have been directly involved and have helped shape the study at all levels. Detailed questions on standards of accommodation will be asked as part of the survey. The Census will consist mostly of a survey, conducted by Travellers, using a small portable computer. The computer is important to ensure that the experience of the survey is the same across the country, and to ensure that the survey is as simple and quick as possible. The survey will use text, sound commentary and pictures together, to make it easy and fast to complete. The survey has been designed in a culturally appropriate way, and will be undertaken by Travellers themselves.

Focus on particular groups: There will be a strong focus on Traveller women, elderly, children and Travellers with a disability within the study.

The main limitations/difficulties being encountered are the different capacity in different regions: where Travellers are well organised and where there are Traveller-ran primary health care projects and where Traveller Health units exist.

It is too early to formulate the impact assessment, as the project is only two years into a three-year project.

Transferability and mainstreaming: As would be expected in a project of this magnitude and which involves every Traveller in Ireland, there are many difficulties and challenges. However, the study is still on track to be completed in 2010. The initiative has the potential to allow all service providers, including those involved in health and accommodation, to better streamline Traveller issues and to target resources where necessary. It has the potential to inform similar initiatives in other countries.

Example Two: Development of guidelines to inform and measure progress and standards in developing Traveller accommodation

Organisation: *Centre for Housing Research and funded by the DOEHLG*

Type: Independent research organisation

Budget: Circa €150,000

Time Frame and location: 2007-2008; Republic of Ireland

Rationale, Objectives, Description, Target Group: One of the key objectives of the Centre for Housing Research is to enable local authorities to develop a more responsive housing service. It is in this context that the Centre undertook

this work on Traveller accommodation. The work is presented in three distinct but interrelated reports:

- A Review of Policy and Practice⁸⁰
- Traveller-specific Accommodation: Practice, Design and Management⁸¹
- Good Practice Guidelines⁸²

A core feature of this work has been the development and application of an indicator system to measure various aspects of Traveller accommodation provision. It is hoped that the indicator system might provide a framework on which national standards could be developed and agreed.

The indicator system developed is designed to compare and contrast elements of the management and maintenance of Traveller-specific accommodation in Ireland. Twenty indicators have been identified and rated on a Likert Scale of 1-5, including:

- Physical conditions
- Geographical issues
- Safety and security issues
- Specific management and maintenance issues
- Quality of life perceptions⁸³

The three reports include a first review of policy and practice in Ireland, a second report that summarises the outcomes of a survey of 40 halting sites and group housing schemes in Ireland and a third report which draws up guidelines for local authorities.

Involvement: Traveller NGOs were consulted about the reports.

⁸⁰ Centre for Housing Research (2008) *Traveller Accommodation in Ireland: Review of Policy and Practice*, p30, available at: http://www.housingunit.ie/_fileupload/Publications/Traveller_Accommodation_in_Ireland_-_Review_of_Policy_and_Practice_54631618.pdf (20.01.2009)

⁸¹ Centre for Housing Research (2008) *Traveller-specific Accommodation: Practice, Design and Management*, p24, available at: http://www.housingunit.ie/_fileupload/Publications/Traveller_Specific_Accommodation_-_Practice_Design_and_Management_66183539.txt.pdf (20.01.2009)

⁸² Centre for Housing Research (2008) *Good Practice in Housing Management: Guidelines for local authorities*, available at: http://www.housingunit.ie/_fileupload/Publications/GPG_-_Management_and_Maintenance_of_Traveller-specific_Accommodation_58511863.pdf (20.01.2009)

⁸³ Centre for Housing Research (2008) *Good Practice in Housing Management: Guidelines for local authorities*, pXIV, available at: http://www.housingunit.ie/_fileupload/Publications/GPG_-_Management_and_Maintenance_of_Traveller-specific_Accommodation_58511863.pdf (20.01.2009)

Focus on different groups: There is some focus on the needs of young people and elderly people in the study but a more limited focus on the needs of women and Travellers with a disability.

Mainstreaming and sustainability: The study provides a very useful contribution of our understanding of Traveller-specific accommodation in Ireland. However it remains to be seen if the *DOEHLG* will give the guidelines a status that will require local authorities to be bound by them. The studies could be very usefully undertaken in other countries.

1.6. Major national projects targeting the housing situation of Roma and Travellers that are not included in the previous section.

Irish Traveller Movement Accommodation Unit: The *Irish Traveller Movement (ITM)* is one of the three national Traveller organisations in Ireland, which includes the National Traveller Women's Forum and Pavee Point.

The Irish Traveller Movement (ITM) is a national network of organisations and individuals working within the Traveller community. ITM was established in 1990 and now has over seventy Traveller organisations from all parts of Ireland in its membership. The Irish Traveller Movement consists of a partnership between Travellers and settled people committed to seeking full equality for Travellers in Irish society. This partnership is reflected in all of the structures of ITM. The ITM was formed to be a national platform through which Travellers and their organisations are enabled to:

- Highlight the issues faced by Travellers and to press for real solutions
- Debate ideas and formulate and promote culturally appropriate initiatives
- Provide those active at a local level with support and solidarity
- Develop alliances at national level
- Challenge the many forms of individual, structural and institutional racism with which Travellers have to deal.

The Accommodation Working Group of the ITM meets approx every 6 weeks. The Working Group is the forum where ITM policies on accommodation are formulated and prioritised. Every third meeting, when possible, is a site visit. This is when the group is invited to a location anywhere in the country to meet with local residents and hold a public meeting in regards to the local accommodation situation for Travellers. The membership of the

Accommodation Working Group is open to any ITM member. Membership usually consists of those working on Traveller accommodation issues around the country. The group is an invaluable forum for information sharing and support. The overarching Statement of the Working Group contains commitments to includes issues for people with disabilities and recognises that issues are not ‘homogenous’ and the composition of the group has both men and women: ‘The ITM accommodation working group acknowledges that culture is not static and is constantly changing and developing. Likewise the working group will strive to ensure that its policies and practice reflect this and recognise that Travellers are not a homogenous group but have a diverse set of needs that must be catered for, e.g. Travellers with a disability. The working group will work in solidarity with a range of organisations to campaign for Travellers human rights and for accommodation that meets their needs’.⁸⁴

The role of the Accommodation Working Group of the ITM which advises the Accommodation Unit is to:

- Provide a support mechanism within the structures of the ITM for its members to develop short, medium and long term policies and actions at a local and national level on Traveller accommodation issues
- Strengthen the capacity of local Traveller groups to ensure the implementation of national policy at a local level in a manner appropriate to the local needs
- Provide a mechanism to ensure that local issues/developments inform national policy
- Work collectively and in solidarity with a range of organisations to address new and existing accommodation issues
- Campaign for Travellers right to good quality, culturally appropriate accommodation.

A key outcome of the work of the Unit has been the publication of a Traveller Accommodation Resource Pack, which is a resource to all the Traveller organisations in Ireland.⁸⁵

The Unit also undertook an informal survey of conditions on Traveller-specific accommodation which is due to be published in 2009 and which will provide useful information on conditions as an additional source to government generated data.

84 Irish Traveller Movement Website
<http://www.itmtrav.com/acc%20wrking%20grp%202007.html>

85 Irish Traveller Movement (2008). Traveller Accommodation Resource Pack. Irish Traveller Movement. Dublin.

The Unit has also made submissions on major policy developments in Traveller accommodation and holds seminars for member organisations.

The Traveller Accommodation Unit is funded by a major Philanthropic body in Ireland. It complements the work of the Traveller legal unit in ITM. The ITM is currently seeking a solicitor for this unit to help with legal cases on Traveller accommodation.

2. Field research - interviews

Methodology: Five semi-structured interviews were undertaken in February and March 2009 for this study. The names of those to be interviewed were advised by the FRA and the ERRC and are as follows:

Name of Organisation	Date
Traveller Unit, Department of Environment, Heritage and Local Government (DOEHLG)	03.2009
Pavee Point National Travellers Centre (Pavee Point)	02.2009
Donegal Travellers Development Group (DTSG)	03.2009
Galway Travellers Support Group (GTSG)	03.2009
Irish Traveller Movement (ITM)	02.2009

This section is structured to reflect the structure of the semi-structured interview template. Interviews were recorded and audio files and transcripts have been undertaken as part of the requirements of this study. Data protection, consent and security precautions have been undertaken in line with the FRA requirements and recognised good practice in social policy research.

This study also takes into account the Case Study being undertaken in Ireland by the European Roma Rights Centre (ERRC) and Pavee Point Travellers Centre. The two reports are intended to be complementary.

2.1. The most important features of the Traveller housing and accommodation situation in Ireland

A respondent with the Traveller Unit of the Department of Environment, Heritage and Local Government in Ireland, highlighted that the most important development in recent years with respect to Traveller accommodation has been a trend towards opting for private rented standard housing: 'In recent times there has been a growing increase in the number of Traveller families who are housed in standard accommodation which are rented. They are not direct social houses provided by local authority, they are rented often times with the assistance of RAS {Rental Accommodation Scheme} or funding under direct accommodation scheme'.⁸⁶

⁸⁶ Semi-structured interview with Traveller Unit, Department of the Environment, Heritage and Local Government (03.2009)

In relation to the most pressing issues, the respondent identified two main issues:

- **Reducing the numbers of Travellers on unauthorised sites:** ‘The number of families living on these type of sites has reduced from a high of 1300 which was in about 2000 or so. In the last ten years it has remained consistent at around 600’.⁸⁷
- **Growth in the Traveller population:** ‘The other issue that is worth noting is the number of Traveller families that keeps growing. While it is hard to compare to the population as whole, there is about a 7 per cent or 8 per cent increase in Traveller families each year. There seems to be a marked increase in the number of new families, so to some extent we are running to stand still, but we are still hoping that the Traveller Accommodation Programme – the four year programme which ended in December 2008 – will achieve in excess of 80 per cent of the target. It is disappointing of course that it didn’t reach 100 per cent but there are difficulties’.

Representatives from Traveller organisations agree that the reduction of numbers of Travellers on unauthorised sites and planning for demographic growth are key issues and challenges, but they also identify a range of other pressing issues, including:

The gap between agreed national policy and implementation at a local level. Pavee Point National Travellers Centre contends, ‘The 1998 Traveller Accommodation is an excellent Act...and it lays out quite clearly the functions and the responsibilities of the respective players in this area like the Local Authorities and Government Departments and the *LTACCs* in terms of Traveller Accommodation Programmes, so it really has all the elements and ingredients, but what it lacks is the implementation, and all the Traveller organisations including Pavee Point have consistently said that where it falls down is in the area of implementation. We are all very good at sitting down and formulating policies and putting great thought into it and all the rest of it, but the policies never see the light of day’. Siobhan McLoughlin from *Donegal Travellers Development Group* contends that a major weakness in Traveller accommodation policy is ‘the absence of any overall good policy that guides local authorities to provide accommodation in a diverse way to the Travelling Community and is culturally appropriate’.⁸⁸ Damien Peelo also emphasised the gap between national policy and local implementation: ‘We have some good policies in place, but in fact very little implementation of those policies and very little desire to implement those policies in a meaningful way’.⁸⁹

Frustration at the inadequate pace of implementing Traveller Accommodation Programmes. A respondent said, ‘This is the frustration

87 Semi-structured interview with Donegal Travellers Development Group (03.2009)

88 Semi-structured interview with Donegal Travellers Development Group (03.2009)

89 Semi Structured interview with Irish Traveller Movement (03.2009)

around needs not being addressed, people living in dire conditions needs being addressed in a culturally inappropriate way and the slowness and huge health issues and social determinance being impacted on by the low level of living conditions'.⁹⁰ *Galway Travellers Support Group (GTSG)* expressed similar frustration at the pace of provision and meeting of targets under the *TAPs*: 'Those targets have not been met'. Another respondent contended, 'There is some progress, there is some positive development, but the question is – progress can't wait, it needs to be accelerated, why can we not find a way of speeding it up, it is too slow, too tedious. We need to unblock whatever the blockages are within the system and get serious about delivering the outcomes'.⁹¹

Local authorities are not building enough new provision to keep pace with the growth in the Traveller population in Ireland. There is consistent evidence that the 2006 Census figures do not reflect demographic growth rates within the Traveller community. *DTDG* contends, 'There used to be 150 families [in Donegal]. 229 identify themselves as Travellers for government access to services. We [*DTDG*] opened twelve years ago and there were 63 families in Donegal – ones that identified themselves as Travellers. There were other families there who did not want to be identified or the Council did not identify them when we initially started work...so there is a very significant increase'.⁹²

Some Traveller families are choosing general housing because of the slow pace of providing Traveller- specific accommodation. *GTSG* contends, 'One of the biggest issues is that families and Traveller families identify their needs but then when it comes to the provision and meeting that need, it is not met and then what we have is a build up of overcrowding, people being on waiting lists, lack of provision of Traveller-specific accommodation...The preference of people and then what you have is poor communications between the families and the providers who are the local authorities'. *ITM* also made a similar point, while acknowledging the policy of accommodation choice is in place, the reality is different: 'It's recognition of Travellers to have right to distinctly different types of accommodation available to them – right to halting site accommodation, right to live in a caravan if that's what Travellers choose, the right for a place to be made available for nomadic Travellers – supports for Travellers to maintain a Traveller culture – and to travel in safe ways'. He further contended, 'They [local authorities] are saying Travellers don't want to live in halting site accommodation – clearly different information and different views and Travellers when asked – given real options and real choice are making choices to live in culturally different types accommodation to the settled majority'.⁹³ *DOEHLG* disagreed with the assertion that many Travellers are

90 Semi-structured interview with Donegal Travellers Development Group (03.2009)

91 Semi-structured interview with Pavee Point Travellers Centre (03.2009)

92 Semi-structured interview with Donegal Travellers Development Group (03.2009)

93 Semi-structured interview with Irish Traveller Movement (03.2009)

opting for general housing because of the lack of Traveller-specific accommodation.

The position of Travellers in Irish society impacts accommodation provision. *GTSG* highlighted general attitudes about Travellers as being a major stumbling block to providing accommodation: ‘I think the attitude from an institutional level towards the community is one factor that maybe against the accommodation being provided properly...I believe that the Local Authority, while it has some very good individuals, often times has a very difficult time because of poor public attitude towards the Traveller community for halting sites and other Traveller-specific accommodation it meets with objections and that also is a huge issue’.⁹⁴ *ITM* highlighted a report by the *Economic and Social Research Institute (ESRI)* to show how Travellers were still discriminated against: ‘Travellers are still one of most discriminated groups in society and public perception is still a very negative one. That is a big issue. We need strong leadership from our government to show that Travellers have a valid right to exist and this issue is still one that would give a validation to Travellers culturally identity – strategy towards movement, people will engage with Travellers as equals – Travellers have a right to exist. Public opposition, land planning laws are still problematic, and usage of land, and are huge barriers, in terms of getting access to Traveller accommodation’.⁹⁵

There are regional differences in the implementation of TAPs. Some local authorities in Ireland are better at implementing their Traveller Accommodation Programme than others. While Traveller bodies are reluctant to create a hierarchy of good and bad local authorities, there has been some significant progress in Traveller accommodation policies in South Dublin County Council, Kildare County Council and South Tipperary County Council in recent years. However, there have also been differences within the same local authority area. A representative of *DTDG* pointed to the absence of Travellers and Traveller-specific accommodation in South Donegal as an example. ‘South Donegal has very few Travellers if any and *Ballyshannon* would historically have been a Traveller town and would have been nationally known. There are very few families left now in *Ballyshannon* town. Anytime Travellers move to *Ballyshannon Town* or *South Donegal* there is a huge uproar’.

The respondent also highlighted the fact that some vigilante action had been taken against Travellers in the south Donegal seaside town of *Bundoran* during the summer of 2008. The accommodation history of Travellers in north Donegal is significantly different: ‘In the mountain area Travellers have been provided with accommodation. The elected representatives, while some of them do not go to the meetings, they have been very supportive’.⁹⁶

94 Semi-structured interview with Galway Travellers Support Group (03.2009).

95 Semi-structured interview with Irish Traveller Movement (03.2009)

96 Semi-structured interview with Donegal Travellers Development Group (03.2009)

2.2. Impact of national, regional and local housing policies

The 1998 framework legislation is very positive - if fully implemented.

Everyone who was interviewed for this study, including Traveller organisation representatives, commented favourably on the 1998 legislation which provides the framework for Traveller accommodation. However, concerns were raised about the absence of sanctions available to the Department of Environment, Heritage and Local Government when local authorities do not fully implement their TAPs. *The National Traveller Accommodation Consultative Committee (NTACC) was highlighted as a key part of the 1998 act, as it has facilitated Traveller participation in the development of Traveller accommodation policy for the first time. However, the challenges and difficulties are also recognised. The respondent with PPT has been a member of the NTACC for over a decade.* He contended, 'The NTACC have no powers whatsoever over local government. It is purely advisory; by persuasion, cajoling, encouraging, facilitating it can't compel unfortunately or tell them what to do, that is the weakness in it...one has to be realistic, it is not panacea. It is like any negotiating process; you compromise, you give a little, you get a little. Any Travellers and Travellers representatives who are engaging in such processes need to be practical in terms of what they can achieve. It is not going to deliver everything that you want within a short space of time. It is hard work, it is difficult, it's tedious and its painful at times but it is the only process, the only structure in town, we have to engage with it in spite of its limitations and just work with it'.⁹⁷

DOEHLG disagreed with the contention that there is a major gap between national policy and local implementation: 'They [Traveller organisations] often complain about the lack of sanctions against local authorities who fail to implement their programmes, and they have occasionally called for more transparent forms of sanction to be imposed on local authority. I suppose local authorities would say on the other hand that it is the most regulated and the most measured in terms of output and performance of any organisation. We have put down the performances of the authorities, their delivery of the Traveller Accommodation Programme in part of the performance indicators against which we measure'.⁹⁸

Traveller opposition to the 'Trespass Law'. *ITM* highlighted the Housing Miscellaneous Provisions Act of 2002 as being a particularly problematic piece of legislation which 'for the first time criminalised trespass[ing] which used to be a civil [law] issue. [The] government brought it in to try and stop large-scale

97 Semi-structured interview with Pavee Point Travellers Centre (03.2009)

98 Semi-structured interview with Traveller Unit, Department of the Environment, Heritage and Local Government (03.2009)

encampments of Travellers on public areas, which was becoming a problem, due to the closure of existing sites. Travellers had to pull into more public space in larger numbers, which created a problem for local communities'. He further contends that the level of evictions from this legislation was high but it is also impossible to get accurate data.⁹⁹

Pavee Point said that the Trespass law 'is having huge consequences for Travellers who are by no choice of their own [are] living illegally, unofficially on public or private property, and they are now faced with the threat and they have been actually evicted and left homeless, their trailers have been confiscated, some have been imprisoned; so this piece of legislation is having huge consequences and is not serving any useful purpose'.¹⁰⁰

The lack of progress in building transient sites. All the Traveller organisation representatives commented on the apparent lack of progress in building transient sites in Ireland. This is acknowledged by the DOEHLG: 'One difficulty we have in implementing involves part of Traveller Accommodation. We say the issue, or concern, or policy, the issue of transient Sites is a difficult one for Local Authorities to grapple with and no single local authority is all that prepared to be a pioneer and run with it I would say...probably through fear that if you are a pioneer and develop a Transient Site that you will automatically encourage an influx of Travellers who will then have a hold on your need to provide housing. Perhaps, maybe this is something that would be best approached at a regional level'.¹⁰¹

Funding has not been a barrier to Traveller accommodation in Ireland. *Pavee Point* contends, 'The DOE [*DOEHLG*] [has] always said that finance is not an issue and it consistently said it over the last 15 years and I believe them in that regard. So I do not believe that money is an issue; the problem is the commitment to actually deliver the required units, to practically deliver those units on the ground'.¹⁰² This reflects the consensus among the Traveller and statutory representatives interviewed for this study, that funding for Traveller accommodation has not been a significant barrier to providing Traveller-specific accommodation or promoting access to general housing. The funding for capital expenditure is drawn down from central government by local authorities. In each fiscal year there is often an under-spend of funding available because of the uneven pace in the implementation of local *TAPs*. DOEHLG said, 'If a small minority of Travellers then wish to live in Traveller-specific accommodation, we have a programme in the Department which ring fences capital investment for Travellers. Specific accommodation could take the form

99 Semi-structured interview with Irish Traveller Movement (03.2009)

100Semi-structured interview with Pavee Point Travellers Centre (03.2009)

101Semi-structured interview with Traveller Unit, Department of the Environment, Heritage and Local Government (03.2009)

102Semi-structured interview with Pavee Point Travellers Centre (03.2009)

either Traveller group housing which is growing is demand or in permanent halting sites'.¹⁰³

Traveller organisations contend that the government should develop a Traveller accommodation agency. Traveller organisations have contended that a national agency for all Traveller issues or else one focussed on Traveller accommodation issues should be developed. A respondent with DOEHLG outlined why the Government is opposed to this proposal: 'When that was last considered by the National Travellers Accommodation Consultative Committee there wasn't support for it; it was the powers of compulsory purchase [that] are still there at local authority level and we still have the planning. I [myself] think that there may be a somewhat misguided notion out there that you could ride roughshod over Constitutional property rights and the planning process it doesn't matter what agency you set up they will have to abide by Constitutional law and the requirement to comply with compulsory purchase procedures which can go all the way up through the High Court to the Supreme Court and back down again and often times does frustrate the process either through objection or through land owners who wish to maximise their returns on the land'.¹⁰⁴

There is insufficient attention given to the needs of Travellers with disabilities in Traveller-specific accommodation. ITM contends, 'Travellers had to fight tooth and nail for any kind of recognition that living on a halting site and living with a disability is possible and your halting site can be adapted to meet your needs as a disabled person. Local authorities have tried to say that they can't provide for disabled people in a halting site, that they have to move into standard housing. [This] doubles the disadvantage. Travellers have fought to have Travellers' halting sites adapted to meet the needs of disabled people. Ramps, built in special units, shower accessibility, proper bedding. If the will is there...to support Travellers to stay within their communities. Again, that has not been done; usually as a matter of course [it is] usually fought in courts'.¹⁰⁵

2.3. Good practice related to Traveller accommodation

Role of Traveller NGOs at national and local level. The quality, approach and professionalism of Traveller NGOs at both a national and local level have been a key feature of good practice in Ireland. At a national level the work of Pavee Point, the Irish Traveller Movement and the National Traveller Women's forum has been innovative and ground breaking and the role of local support

103 Semi-structured interview with Traveller Unit, Department of the Environment, Heritage and Local Government (03.2009)

104 Semi-structured interview with Traveller Unit, Department of the Environment, Heritage and Local Government (03.2009)

105 Semi-structured interview Irish Traveller Movement (03.2009)

groups, mostly government funded, has been a significant feature of public policy in Ireland. The role of such organisations is acknowledged by a representative of *DOEHLG*: 'I have come across some brilliant organisations which are involved and represent their constituency very well and participate actively. I could also say there is a minority who maybe appear though [to] frustrate the situation'.¹⁰⁶

Individual examples of good quality Traveller-specific accommodation. A respondent with *DOEHLG* cites a recent site developed in Galway city as a good example of Traveller-specific accommodation: 'I would point to Galway City as a recent example where there was an absolutely appalling accommodation site and where...converted into group housing but where an existing emergency site hopefully with planning permission from the Council will become a permanent halting site, that is [in] my view was one of the most appalling sites around the country. It is now state-of-the-art and it is a credit to all the Traveller families who put up with a lot of inconvenience while the construction work was going on simply because there was no alternative accommodation available to them. They will now have first class accommodation. A brilliant job done in very difficult circumstances'.¹⁰⁷

The quality of some recent traveller-specific accommodation has also been widely acknowledged. A representative of *DTDG* contended, 'I think there has been good practice but I mean it has been a number of years ago now. The group of houses in the scheme in Canal Road in Letterkenny developed very much in collaboration with the family...they designed the layout of the site, the allocation of spaces in the site, where houses were located for different members of the extended family. They were really hands on and I think that that worked from a planning point of view and there is a real sense of ownership among those families that it is their space and not just somebody else's that they rent'.¹⁰⁸

GTSG also pointed to a site in Galway called Carrowbrown which was a very poor site prior to redevelopment. She said, however, that it was a little disappointing that the site was meant to be a transient site and will now be permanent site.¹⁰⁹

ITM also acknowledged areas of the country where there had been examples of local authorities implementing the national policy for Traveller accommodation successfully, particularly in respect of consultation 'in south Dublin, Sligo, Cork [local authorities] [...] have done very well where they have taken the

106 Semi-structured interview with Traveller Unit, Department of the Environment, Heritage and Local Government (03.2009)

107 Semi-structured interview Traveller Unit, Department of the Environment, Heritage and Local Government (03.2009)

108 Semi-structured interview with Donegal Travellers Development Group (03.2009)

109 Semi-structured interview with Galway Travellers Support Group (03.2009)

guidelines. They have supported the Traveller organisations to engage fully within the process; Kilkenny is another one that has done quite well around looking at being culturally appropriate in terms of delivery of accommodation that incorporates Traveller traditions such as horses and tries to find a solution that meets that need'.¹¹⁰

Traveller organisations in Ireland have designed and developed major public awareness programmes to highlight challenges and issues facing Travellers in Ireland, including *Traveller Focus Week*, held in December each year and previously called the *Citizen Traveller Initiative*. Traveller Focus Week has been funded under the *National Action Plan against Racism 2005-2008 (NPAR)*. The Department of Justice, Equality and Law Reform has provided €50,000 annually for *Traveller Focus Week*. The themes of Traveller Focus Week have followed the key themes identified in the NPAR, including recognition, provision, and protection against racism.¹¹¹

110 Semi-structured interview with Irish Traveller Movement (03.2009)

111 <http://www.pavee.ie>

3. ANNEXES

3.1. Annex 1. Statistical data and tables

(Covering period 2000-2009)

	2000 - 2009
<p>Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)</p>	<p>Compiled statistics and data that are available do not disaggregate the information by issue (such as housing / accommodation) nor by the ground under which a case was taken (such as Traveller ground). It is therefore difficult to get an accurate analysis of Traveller housing discrimination cases taken. Where available, the information that is available specifically regarding Traveller, and / or accommodation is listed as such. Otherwise, the figures below are for the overall number of equality type cases, and are not specific to accommodation. Complaints regarding ethnic discrimination in housing by the Traveller community tend to be dealt with by the Equality Authority and the Equality Tribunal.¹¹² Most cases involving accommodation issues are dealt with under the Equal Status Act 2000 and 2004. Overall, data is available up to and including 2007. Data review for the year 2008 will be published later this year.</p> <p>A. Equality Tribunal Data 2000: In the year 2000 the Tribunal was only in its infancy. The Office issued a total of</p>

44 rulings during 2000. There were 32 recommendations under the 1977 Employment Equality Act, 11 recommendations under the 1974 Anti-Discrimination (Pay) Act, and our first decision under the Employment Equality Act 1998.

2001:

During 2001, 1114 complaints were referred to ODEI. Of these 260 of those were referred under the employment equality legislation. The remaining 854 were referred under the Equal Status Act 2000.

In relation to Equal Status complaints the most common ground cited, in contrast with Employment Equality complaints (which totalled 3), was membership in the Traveller community. This ground formed the basis of 641 complaints, but the figure is not disaggregated in terms of type of complaint.¹¹³

The Equality Tribunal received a record number of claims of discrimination in employment and in access to goods and services during 2002. During 2002, 1,298 claims were referred to the Equality Tribunal. This was an increase of 184 in 2001 and represented an overall rise of 17 per cent from the previous year. Claims under the Employment Equality legislation accounted for 309 of the claims referred. Almost 1,000 claims (989) were referred under the Equal Status Act, 2000. No claims were referred under the Pensions Act 1990.

2002:

In 2002, 254 cases covering 309 complainants were referred for investigation under the Employment Equality legislation. This was an increase of 40 per cent in cases and 19 per cent in complainants over 2001 (182 cases covering 260

	<p>complainants). As these statistics indicate, the employment equality figures differentiate between the numbers of cases and claims. While there is no provision in Irish employment equality law for class actions, complainants can refer a single grouped case encompassing their individual claims.</p> <p>2003: During 2003 1,078 claims were referred to the Equality Tribunal. Claims under the employment equality legislation accounted for 361 of the claims referred. 717 claims were referred under the Equal Status Act, 2000.</p> <p>Membership in the Traveller community remains the most commonly stated ground for discrimination in referrals under the Equal Status Act 2000. In 2003 the number of referrals citing this ground fell by over 52 per cent from 741 to 354 though this is partly offset by an increase in the multiple grounds, 171 of which included membership in the Traveller community.</p> <p>2000-2003 Grouped:</p> <p>Employment Equality Acts 2000: 139 2001: 260 2002: 309</p> <p>Equal Status Acts: 2000: 8 2001: 854 2002: 989</p>
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	<p>Traveller Community Ground: Employment Equality Acts 2000: 4 2001: 3 2002: 4 2003: 3 Equal Status Acts 2000: 4 2001: 641 2002: 741 2003: 354 (of which 154 of these cases were grouped cases – 42 per cent)</p> <p>2004: Overall referrals 2004: 483 Employment Equality: 2004: 296 Collective agreements 2004: 1 Equal Status: 2004: 185 Equal Status Referrals on the Traveller community ground declined from 26 in 2004.¹¹⁴</p> <p>2005 / 2006: Each case may have more than one complainant. Overall more than 1,682</p>
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	<p>individuals made complaints to the Tribunal in 2005.</p> <p>Referrals to the Tribunal 2005 and 2006 (Grouped)</p> <p>Overall referrals: 2005: 631 2006: 628</p> <p>Employment Equality: 2005: 399 2006: 448</p> <p>Collective agreements: 2005: 2 2006: 0</p> <p>Equal Status: 2005: 223 2006: 166</p> <p>Employment Equality - grounds for referral: Traveller community ground 2005: 2 2006: 1</p> <p>Equal Status – grounds for referral: Traveller community ground 2005: 31 2006: 18</p> <p>2007: Referrals to the Tribunal 2006 and 2007 Employment Equality Acts: 2006: 448</p>
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	<p>2007: 659 (+47 per cent) Collective Agreements: 2006: 0 2007: 1 Equal Status Acts: 2006:166 2007: 185 (+11 per cent) Overall referrals: 2006: 628 2007: 852 (+36 per cent)</p> <p>B. Equality Authority Data: 2000: The Equality Authority received 1,487 enquiries under the Equal Status Act, 2000. This figure reflects a very high level of interest in the Act given that it only came into effect in October 2000. The majority of enquiries on specific discriminatory grounds under the Equal Status Act, 2000 were enquiries in relation to the Traveller community ground. The grounds of disability and age also featured significantly. Fifty one questionnaires were issued and by the end of 2000, nine weeks following the introduction of the Act, there were 14 cases on hand under the Equal Status Act, 2000, the majority of which related to the Traveller community ground. The Traveller cases concerned access to housing, shops and pubs.¹¹⁵ The Equality Authority received 3,214 enquiries under the Employment Equality Act, 1998. Two hundred and two cases were taken under the Anti-Discrimination (Pay) Act, 1974, the Employment Equality Act, 1977 and the Employment Equality Act, 1998. There were 15 cases under the ground of race, 10 on the sexual orientation ground, four on the Traveller community ground, two each under the marital status</p>
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	<p>ground and the religious belief ground.</p> <p>Employment Equality Cases in 2000: 4 cases brought under the Traveller ground (access to employment and dismissal).¹¹⁶</p> <p>Equal Status Act enquiries: 115 under membership in the Traveller community ground.¹¹⁷</p> <p>Equal Status Act, 2000: 51 questionnaires issued, breakdown as follows: 35 under membership in the Traveller community, of which 35 involved access to a public house (Pub).</p> <p>14 Cases under the Equal Status Act, 2000 during the year 2000: 6 were under the Traveller community ground (2 Access to housing, 2 Access to shop, 2 Access to pub).¹¹⁸</p> <p>EEA Cases under the Traveller community ground: 4 Cases taken¹¹⁹ Grounds for Complaint Access to Employment 2 Dismissal 2 Status Closed 0 Current, under examination 1 Current lodged with Labour Court 0</p>
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	<p>Current lodged with ODEI 3</p> <p>2001:</p> <p>Number of new cases in 2001: EEA 300 ESA 661 = 961 Total Number of cases dealt with during 2001: EEA* 405 ESA** 675 = 1080</p> <p>(*Includes 105 cases brought forward from 2000 **Includes 14 cases brought forward from 2000)</p> <p>Traveller community 6 (EEA new cases 2001), 435 (ESA new cases 2001), 441 (45.88 per cent) (Total new cases 2001), 451 (41.75 per cent) (Total number of cases dealt with during 2001)</p> <p>There were 441 cases brought under the Equal Status Act in 2001 under the Traveller community ground, of which 7 cases concerned accommodation.</p> <p>2002:</p> <p>ESA: Accommodation - 42 files, an increase of 62 per cent on the 26 cases in 2001.¹²⁰</p> <p>Traveller Community: There were 46 recommendations from the Equality Tribunal and one circuit court appeal in relation to this ground. Of these, the Equality Authority represented the claimants in four of the successful recommendations. A major cause for concern is the low level of awards in the successful cases. Despite</p>
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	<p>one finding of ‘planned and premeditated policy of discrimination’, the equality officer only awarded less than a third of the maximum that could be awarded.¹²¹ In four other cases the claims were resolved by:</p> <ul style="list-style-type: none"> a. An apology and access to the pub b. An apology and an undertaking to carry out a training session c. Mediation d. After meeting with the owner, the claimant was allowed access to the pub. <p>Employment Equality Cases: Traveller community ground: 2 cases</p> <p>Equal Status Act: 429 cases brought on the Traveller community ground Listed under the heading of accommodation: 31 cases Public Housing – 12 cases Cases: Total 2001 2002 Traveller community ground: 429 89 340</p> <p>Equal Status Act: Membership in the Traveller Community: 14 cases</p> <p>Equal Status cases on Traveller community ground that were settled: 9</p> <p>Equal Status Act, casework activity Accommodation - Traveller Community Ground:</p> <table border="1"> <tr> <td>Private</td> <td>2</td> </tr> <tr> <td>Public Housing</td> <td>24</td> </tr> <tr> <td>Education</td> <td>16</td> </tr> </table>	Private	2	Public Housing	24	Education	16
Private	2						
Public Housing	24						
Education	16						

	Reason for Closed Cases – information not disaggregated by ground, so it is not clear which of these relate to case brought under the Traveller community ground.	
	Won	13
	Lost	11
	Resolved	43
	Complainant Declined to Proceed	146
	Lack of Evidence	50
	Referred to Own Solicitor	22
	Referred to Support Group	4
	Referred Elsewhere	5
	Outside Scope of Legislation	41
	Complainant Taking Case	53
	Settled	12
	Representation Withdrawn	1
	Total	401
	Status – information not disaggregated by ground, so not clear which of these relate to case brought under Traveller community ground.	
	Current-Lodged Equality Tribunal	242
	Current Under Investigation	141
	Closed	401
	Current Lodged Circuit Court	7
	Current Lodged District Court	1
	Total	792

	<p>Representation – under Traveller community ground: Employment Equality Act – 3 cases Equal Status Act – 6 cases</p> <p>2003:</p> <p>The Equality Authority worked on 1353 files in 2003, 559 under the Employment Equality Act, 1998, 2 under the Employment Equality Act, 1977 and 792 under the Equal Status Act, 2000. This represents an increase of 69 files since 2002.¹²²</p> <p>Employment Equality: 4 cases</p> <p>2004:</p> <p>889 case files:¹²³ 370 under the Employment Equality Act, 1998 509 under the Equal Status Act, 2000 10 under the Intoxicating Liquor Act, 2003.</p> <p>There were 509 case files under the Equal Status Act 2000 to 2004, of which 35 related to the provision of accommodation, but this figure is not disaggregated by ground so it is unclear how many of these related to the Traveller community ground. However, it is clear that the grounds of race and of the Traveller community dominate the case files, involving 47.5 per cent of all of the files. Under the Equal Status Act 2000, 45 of the 126 files against public bodies involve</p>
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the ground of race and the Traveller community ground. 26 of 74 files involving educational establishments relate to the grounds of race and of the Traveller community. 17 of the files involving the provisions of accommodation involve the grounds of race and of the Traveller community.

Case files in relation to educational establishments constituted the second largest category of case files under the Equal Status Act 2000 (14.5 per cent) involving 7 of the discriminatory grounds. The disability ground is the largest (31 per cent) with the Traveller community being the second largest (24 per cent). Thirty five of the 105 files relate to the provision of accommodation with the majority of these relating to public housing (68.6 per cent). This constitutes a major increase in the number of files in this area since 2003 where only 3 of the 729 files related to accommodation. While the case files concern five of the discriminatory grounds, the majority of the files concern the grounds of race and the Traveller community (69 per cent). 17 of the 24 files involving public housing involve the ground of race and the Traveller community ground. Two significant settlements were reached in 2004 in relation to the provision of public housing.

There were 370 case files under the Employment Equality Acts 1998 and 2004 during 2004. The ground of race remains the largest category among the case files of the Equality Authority (31.9 per cent) with the gender ground the second largest (23.8 per cent), disability the third largest (16.2 per cent) and age the fourth largest (11.4 per cent). The number of case files on the grounds of marital status, family status, sexual orientation and religion remains low. Working conditions constitute the largest area of complaint at (30 per cent). Access to employment is now the second largest area of complaint (17 per cent) with dismissal constituting the third largest category (15.7 per cent).

	<p>2005:</p> <p>In 2005 there were 754 case files, 359 (48 per cent) under the Employment Equality Acts 1998 and 2004, 358 (47 per cent) under the Equal Status Acts 2000 to 2004 and 37 (5 per cent) under the Intoxicating Liquor Act, 2003. As in 2004, the 2005 figures are neither a measure of the extent of discrimination or the level of demand on the Equality Authority's services.¹²⁴</p> <p>Employment Equality Acts 1998 and 2004: There were 359 case files under the Employment Equality Acts 1998 and 2004 during 2005. The ground of race remains the largest category among the case files of the Equality Authority (115 of 359 – 32 per cent) with gender the second largest (70 of 359 – 19.5 per cent), disability the third largest (54 of 359 – 15 per cent) and age the fourth largest (45 of 359 – 12.5 per cent) followed by mixed/multiple grounds (38 of 359 – 10.5 per cent). Case files on marital status (2), and family status (2), religion (3), Traveller (4) and sexual orientation (7) grounds remain low.</p> <p>Membership in the Traveller Community – Settlement: 1 case Access to Employment – Mediation: A claim of discrimination on the Traveller community ground in relation to access to employment was successfully resolved through mediation. (Also, concerning mixed settlements: 1 case involving membership in the Traveller Community as well as Access to Employment - Indirect Discrimination - Common Pool Gender, Family Status, and Race.)</p>
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	<p>Equal Status Acts 2000 to 2004: There were 358 case files under the Equal Status Acts 2000 to 2004 during 2005. The Traveller community ground remains the largest category of case files of the Equality Authority with 104 case files. Accommodation was a significant feature of casework of the Equality Authority in 2005 particularly but not exclusively on the Traveller community ground. It is an area that complaints are made on a number of discriminatory grounds.</p> <p>In 2006 there were 853 case files, 404 (47.4 per cent) under the Employment Equality Acts 1998 and 2004, 366 (42.9 per cent) under the Equal Status Acts 2000 to 2004 and 83 (9.7 per cent) under the Intoxicating Liquor Act, 2003. 69 applications for substantial assistance were considered (67 were granted) and 385 new case files were opened (with authorisation given to provide preliminary advice and assistance).¹²⁵ In 2006 there were 40 settlements and 23 decisions, recommendations / court orders involving the Equality Tribunal, Labour Court, District Court, Circuit Court, High Court and the Supreme Court.</p> <p>In 2006 there were 40 settlements and 23 decisions, recommendations / court orders involving the Equality Tribunal, Labour Court, District Court, Circuit Court, High Court and the Supreme Court.</p> <p>In 2006 there were significant outcomes in the case files on the provision of accommodation (particularly by local authorities). The two cases in which the Equality Authority applied to appear as an amicus curiae involved the issue of housing by local authorities. In <i>Doherty v South Dublin County Council</i>, the</p>
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Minister for the Environment, Heritage and Local Government, Ireland and the Attorney General, the respondents at the beginning of the hearing of the substantive issue conceded that Section 6(6) of the Equal Status Acts 2000 to 2004 could not be construed as allowing less favourable treatment. It had been the Equality Authority’s experience that local authorities had sought to rely on Section 6(6) to allow local authorities to discriminate in the performance of their functions under the Housing Acts and to render the discriminatory provision of housing immune from challenge under the Equal Status Acts 2000 to 2004. The concession made by the respondents is therefore a very significant one.

In 2005 three case files were resolved with the provision of accommodation to three Traveller families. The case files on accommodation increased from 37 in 2005 (25 out of 37 involving public authorities) to 41 in 2006 (with 30 out of 41 involving public bodies). Another case file on the disability ground involved a recommendation from the Equality Tribunal (Mr X and Ms Y v Donegal County Council DEC-S2006-060). This is detailed above in Section 4 as part of the cross cutting issue of reasonable accommodation.

Cases brought on Traveller community ground: Total (all grounds) :

Accommod – private	4	11
Accommod - public	21	30

New cases dealt with in 2006 under Traveller Ground: 25 out of a total of 149 cases.

In 2007 there were 737 case files, 360 [49 per cent] under the Employment

	<p>Equality Acts 1998 – 2007, 328 [45 per cent] case files under the Equal Status Acts 2000 – 2004 and 49 [6 per cent] under the Intoxicating Liquor Act 2003.¹²⁶</p> <p>Equal Status Acts 2000 - 2004 Casework Activity Types of Complaint</p> <table border="0"> <thead> <tr> <th></th> <th>Traveller Ground</th> <th>Total all grounds</th> </tr> </thead> <tbody> <tr> <td>Accom. Private</td> <td>1</td> <td>7</td> </tr> <tr> <td>Accom. Public</td> <td>13</td> <td>22</td> </tr> </tbody> </table> <p>New Cases dealt with in 2007 by Ground</p> <table border="0"> <thead> <tr> <th>Ground</th> <th></th> </tr> </thead> <tbody> <tr> <td>Membership in the Traveller Community</td> <td>9</td> </tr> <tr> <td>Total – all grounds</td> <td>80</td> </tr> </tbody> </table> <p>National Courts: It is worth noting that the National Courts processed 23 cases relating to Traveller Accommodation during the period 2000-2009. For information a list of these cases, many of which are unreported cases, are listed below.</p>		Traveller Ground	Total all grounds	Accom. Private	1	7	Accom. Public	13	22	Ground		Membership in the Traveller Community	9	Total – all grounds	80
	Traveller Ground	Total all grounds														
Accom. Private	1	7														
Accom. Public	13	22														
Ground																
Membership in the Traveller Community	9															
Total – all grounds	80															
<p>Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)</p>	<p>n/a</p>															
<p>Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)</p>	<p>n/a</p>															

Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).	n/a
Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)	<p>Equality Tribunal: Where an Equality Officer finds that there has been discrimination s/he may order as appropriate one or more of the following: compensation, equal pay, arrears of wages, equal treatment or an order that a person or persons take a specified course of action.</p> <p>€6,350 is the maximum monetary sanction available under the Equal Status Acts.</p> <p>€21,000 is the maximum monetary sanction available under the Employment Equality Acts.</p>

Case list from the Irish National Courts relating to Traveller Accommodation over the period 2000-2009.

[2002] 2 I.L.R.M. 321 Derek Byrne v Fingal County Council 2001 No. 434 Court: High Court Judge(s): JR (McKechnie J) Date: 2 August 2001.

[2003] 1 I.L.R.M. 36 Owen McDonagh and Thomas McDonagh v County Council of the County of Clare 2002 No. 86 Court: High Court Judge(s): JR (O'Sullivan J) Date: 19 July 2002.

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The Attorney General, Human Rights Commission

[2005 No. 787 J.R.] Court: High Court, Judge(s): MacMenamin J., Date: March 29, 2006. Neutral Citation Number: 2006 IEHC 174 (unreported)

Unreported Mary O'Donnell (A minor suing by her mother and next friend Bridget O'Donnell), Patrick O'Donnell (A minor suing by his mother and next friend Bridget O'Donnell), Bernard O'Donnell (A person of unsound mind, suing by his mother and next friend, Bridget O'Donnell) v South Dublin County Council Record No. 2006/1904 P Court: High Court. Judge(s): Miss Justice Laffoy. Date: May 22, 2007. Neutral Citation Number: [2007] IEHC 204 (unreported) .

Unreported Fingal County Council v Martin Gavin, Sam Gavin, Michael Reilly, Arthur Purcell, Robert Gavin, Terry Mongan, Patrick Gavin, Douglas Purcell, Paul Gavin
Record Number: 2007 No. 3142P Court: High Court. Judge(s): Mr Justice Michael Peart.
Date: December 14, 2007. Neutral Citation Number: [2007] IEHC 444 (unreported)

Unreported Martin Gavin and Others v Dublin City Council Record Number: 2006 No. 958 JR Court: High Court Judge(s): Mr Justice Michael Peart. Date: June 10, 2008. Neutral Citation Number: [2008] IEHC 187 (unreported)

Unreported Vera Dooley, Thomas Dooley, Thomas Dooley junior, a minor suing by his mother and next friend, Vera Dooley, Patrick Dooley, a minor suing by her mother and next friend, Vera Dooley v Killarney Town Council, Kerry County Council
Record Number: 2007 No. 465 JR Court: High Court. Judge(s): Mr Justice Michael Peart
Date: July 15, 2008. Neutral Citation Number: [2008] IEHC 242 (unreported)

FINGAL COUNTY COUNCIL v GAVIN; (3142P/2007), High Court, Peart J., December 14, 2007.

Unreported Rita O'Donoghue, Thomas O'Donoghue, Michael O'Donoghue (A Minor), Suing by his Mother and Next Friend Rita O'Donoghue, Mary O'Donoghue (A Minor), Suing by her Mother and Next Friend, Rita O'Donoghue, Roger O'Donoghue (A Minor) Suing by his Mother and Next Friend Rita O'Donoghue v The County Council of the County of Clare Case No. 2807P/2003.
Court: High Court Dublin. Judge(s): Mr. Justice T.C. Smyth Date: On Friday, 25 July 2003.

Unreported Helen McDonagh & Ors. v The County Council of the County of Clare, Ennis Town Council Record No. 2002/103JR.
Court: High Court Dublin
Judge(s): Mr. Justice Smyth. Date: Thursday 20th May 2004. [2004] IEHC 184 (unreported).

Unreported Rita O'Donoghue, Thomas O'Donoghue, Michael O'Donoghue (A Minor) Suing by his Mother and Next Friend Rita O'Donoghue, Roger O'Donoghue (A Minor) Suing by his Mother and Next Friend Rita O'Donoghue and Mary O'Donoghue (A Minor) Suing by her Mother and Next Friend Rita O'Donoghue v The County Council of the County of Clare 362/03. Court: Supreme Court.
Judge(s): Keane C.J. Murray J. Geoghegan J. Date: 6th day of November 2003

McDONAGH v COUNTY COUNCIL OF THE COUNTY OF CLARE; (2002/86JR), High Court, O'Sullivan J., July 19, 2002.
O'DONOGHUE v LIMERICK CORPORATION; (1999/354JR), High Court, Herbert J., February 6, 2002.;
JEFFERS v LOUTH COUNTY COUNCIL; (14974P/2000), High Court, Gilligan J., December 19, 2003.
O'DONOGHUE v CLARE COUNTY COUNCIL; (2807P/2003), High Court, Smyth J., July 25, 2003.

Unreported Paddy Doherty, Bridget Doherty v South Dublin County Council, The Minister for the Environment Heritage and Local Government, Ireland and The Attorney General and by Order The Equality Authority No. 223/06 Court: Supreme Court
Judge(s): Murray C.J. Denham J. McGuinness J. Fennelly J. Macken J. Date: October 31, 2006. Neutral Citation: [2006] IESC 57
(unreported).

JEFFERS v THE COUNTY COUNCIL OF THE COUNTY OF LOUTH; High Court (2000/14974 P), Roderick Murphy J., April 5, 2001.

O'DONOGHUE v CLARE COUNTY COUNCIL Ex-Tempore.; (2807P/2003), Supreme Court, Keane C.J., November 6, 2003.

O'DONNELL v SOUTH DUBLIN COUNTY COUNCIL; (1904P/2006) High Court, Laffoy J., May 22, 2007.

BYRNE v FINGAL COUNTY COUNCIL; (2001/434JR), McKechnie J., August 2, 2001.

McDONAGH v CLARE COUNTY COUNCIL; (2002/103JR), High Court, Smyth, J., May 20, 2004

3.2. Annex 2: Court, Specialised Body or Tribunal Decision

Key exemplary decisions relating to housing

Case title	Jim Mongans and Others v Clare County Council DEC-S2007-012
Decision date	23.02.2007
Reference details (type and title of court/body; in original language and English [official translation, if available])	Equality Tribunal
Key facts of the case (max. 500 chars)	There were a number of legal issues that arose in Jim Mongans and Others v Clare County Council DEC-S2007-012. The dispute concerned claims by the complainant that they were discriminated against by named officials of Clare County Council and Clare County Council itself on the Traveller community ground in the provision of accommodation. The complainants in this case, along with a considerable number of others, lodged a number of referral forms to the Equality Tribunal during the period 2004 to 2006 relating to issues connected with housing/accommodation and alleged harassment. The Equality Officer arranged a procedural hearing on 24th May 2006 to deal with issues arising from the number of complaints referred on behalf of a large group of complainants against the same respondent, of which this case complaint was one. The first matter for decision was how each individual complainant's case would proceed. The Equality Officer took the decision that each family group would have a separate hearing before the Equality Officer.

The second matter dealt with at this hearing was the manner in which the complaints were lodged with the Tribunal. The complainants' representative referred separate complaint forms to the Tribunal in relation to each instance of alleged discrimination by the respondent. At the procedural hearing an application was made to the Equality Officer by the respondent's solicitor to have all the complaints lodged by the same family group of complainants relating to similar issues heard together. The Equality Officer having considered the matter ruled that the complaints related to ongoing issues and that all matters would be dealt with at the one hearing. The Equality Officer informed the parties of this decision.

The third issue dealt with at the procedural hearing concerned the named respondents. The complainants referred their cases against named officials of Clare County Council, and the County Council itself. An application was made by the solicitor for Clare County Council to have the named respondents' names changed to Clare County Council only. The complainants' representative requested that the cases proceed against the named officials as well as Clare County Council. The Equality Officer decided that Clare County Council should be the only named respondent and informed the parties that this was how the cases would proceed. Subsequently in September 2006, at the hearing of another complainant family, an issue arose concerning the role of Ennis Town Council in relation to housing and other matters. Matters concerning Ennis Town Council were also raised in the case herein. The complainants' representative submitted that she had objected a number of times to the removal of the named officials as respondents in the cases and proceeding against Clare County Council only. She stated that she named the relevant officials as respondents as she understood that they carried out functions in Ennis Town Council. The role of the named officials in Ennis Town Council was not raised at the earlier procedural hearing.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Equality Officer was satisfied that the Tribunal was not joining a party to the proceedings but was continuing to investigate the complaints against the named respondents validly before the Tribunal. While issues arose in this and other cases against Ennis Town Council's named officials, no decision was made by the Equality Officer regarding the admissibility of any of the complaints against Ennis Town Council, or the vicarious liability of Ennis Town Council in respect of the named officials, as the complainants did not proceed with their complaints in these cases. The Equality Officer confirmed that her decision in respect of vicarious liability dealt solely with the named officials carrying out their functions as employees of Clare County Council. Their function in Ennis Town Council was an entirely separate matter and if issues arose in future cases in relation to Ennis Town Council she could hear the evidence and submissions from both parties on the issue before making a decision. The Equality Officer expressed surprise that the respondent's solicitor would purposely make an application to the Tribunal in order to limit the manner in which the complaints could validly proceed before the Tribunal, or that he believed that it was within his authority to purposely limit the ambit of the Equality Officer's investigative powers. She considered that this might be considered under Section 37(1) of the Act as obstructing or impeding the investigative role of the Equality Officer. While she accepted that this was not the intention in this case she noted that this action was not appropriate. She also noted that once a complaint was validly before the Equality Tribunal and referred for investigation then the Equality Officer must investigate all matters relevant to the complaint and issue a decision. The complainants' representative submitted that the implementing authority for the Traveller Accommodation Programme was Clare County Council and consequently that they were responsible for the actions of Ennis Town Council. The Equality Officer decided it was not necessary for her to make a decision regarding vicarious liability in this case as the complainants did not continue with their case and consequently the respondents had not been given an opportunity to address this particular issue. The complainants attended a</p>
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	<p>hearing set for September 21st 2006. Mr. Jim Mongans gave his direct evidence, but during the course of his cross-examination he left the hearing without an acceptable explanation. He attended again as requested and he apologised to the Tribunal for his behaviour on the previous day. This was accepted and the hearing resumed. The complainants' case was again set for a resumed hearing on Monday October 16th 2006. The complainants' representative subsequently handed in a letter to the Tribunal on behalf of the complainants requesting that the Equality Officer withdraw from the case. The representative was informed that the Equality Officer would not accede to the request.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>As there was no appearance by the complainants and as Mr. Mongans had not completed his evidence and Mrs. Mongans had failed to provide any evidence in relation to her complaint, the Equality Officer found that they had failed to establish a prima facie case of discriminatory treatment. She went on to refer to the issue of the non-attendance by the complainants. Overall she found that the complainants' behaviour in relation to cooperating with the hearing of this case was unacceptable. The complainants were notified to attend on a number of occasions. No valid explanation was provided for their non-attendance and this resulted in a lot of wasted time and resources for the Tribunal and for the respondent party. The Equality Officer was concerned that the respondents turned up with their legal representatives on all occasions thereby incurring legal costs and expenses. She also referred to the cost to the public, in that the Tribunal's time had been wasted. 7.3 Section 37A of the Equal Status Act, 2000 as amended by the Equality Act, 2004 empowers the Director to award expenses. Section 37A allows for expenses to be paid in certain circumstances. Taking into account the limited means of the complainants she ordered that the complainants pay €400 in expenses to the respondents.</p>
<p>Case title</p>	<p>Mr M McCann v DunLaohaire – Rathdown Co. Council</p>

	DEC-S2008-004
Decision date	29.01.2008
Reference details	Equality Tribunal
Key facts of the case (max. 500 chars)	The dispute concerns a complaint by Mr McCann that Dun Laoghaire-Rathdown County Council (hereafter the Council) treated him contrary to the Equal Status Acts 2000 to 2004 on the Traveller ground. Mr McCann maintains that the Council's Traveller Unit treated him less favourably than a non-Traveller would have been treated in a similar situation on 8 December 2004 by turning down his request for a key to a barrier restricting access to a halting site, his primary residence. Mr McCann needed a key to get in and out of the site after he purchased a van that, due to its height, could not pass the barrier.
Main reasoning/argumentation (max. 500 chars)	<p>A halting site is similar to a small housing scheme. This particular one has four individual bays, each intended for a family unit. Every bay has an allocated space for a large caravan/mobile home, a small caravan and a self-contained unit (permanent structures) for cooking and washing facilities. All bays have space for parking. Each bay is walled and has an entry to a small communal area. The halting site itself is also surrounded by a wall and has a barrier at the entry point to the halting site.</p> <p>As the site was built with the McCann family in mind, Mr McCann and others participated in a consultation meeting with the Council's architects to discuss the site's design and specifications. Mr McCann agrees with the Council's statement that the families had wanted a barrier at the entrance. He states that while some disagreement existed around the barrier's aesthetics, the future tenants of the site had wanted a barrier but that they had naturally presumed that they would get a key to it.</p> <p>Mr McCann states that he obtained a key from a source he does not want to disclose (not</p>

	<p>the Council) some years ago while the circus were using the field next to the site. This key enabled him to open and close the barrier whenever he needed to. With this in mind, the complainant purchased a camper van. Mr McCann maintains that he always locked the barrier after him. However, after a time, the lock in the barrier was changed and when Mr McCann approached the Traveller unit for a new key he was told he could not have one. The Council informed Mr McCann that if he needed to get his van out of the site he would have to give the Council 24 hours notice. As the barrier would be locked after Mr McCann's departure, he would have to give another 24 hours notice to ensure that he would get back in. As a result, the camper van was no longer a realistic means for transportation and Mr McCann was left with no other alternative than to sell his van.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Mr McCann argues that he can prove that non-Travellers have been given a key to the barrier. The halting site in question is adjacent to a field that is locally known as the 'circus field'. The same barrier restricts entry to this field (you need to pass under the barrier before you get to the gateway located at the side of the driveway into the halting site). Mr McCann contends that when the circus is in town the barrier is often left unlocked and people working for the circus come and go as they please. To prove his point, Mr McCann submitted photographs of the barrier at the hearing. The photographs showed the barrier being left open with a number of circus vehicles parked nearby.</p> <p>The Housing (Traveller Accommodation) Act 1998 places a statutory obligation on Local Authorities to meet the accommodation needs of Travellers. The Traveller unit of the Council is responsible for all Traveller-specific housing issues within the Council's area. Keys for halting site barriers are held by staff working for the Council's Parks' Department. Traveller-specific accommodation includes serviced halting sites (such as the one Mr McCann resides on), groups housing schemes and transient sites. These are usually built in consultation with the local Traveller community.</p> <p>The Council maintains that the barrier was in place when Mr McCann purchased the</p>

	<p>camper van. A copy of Guidelines - Residential Caravan Parks for Travellers was submitted at the hearing to support the Council's argument that the site was constructed in adherence to the requirements set out in the said document. Any vehicle up to 2.1 meters in height can travel freely under the barrier. The Council submits that no key has ever been provided by them to Mr McCann or any other person living on the halting site he resides on.</p> <p>All Traveller halting sites have barriers governing access. The council submits that the families residing in Mr McCann's halting site had been involved in a consultation with architects when the site was under construction. The keys to the barrier are not held with the Traveller unit. The Council's Parks' Department staff have keys to the barrier and regulate access to the neighbouring circus field. If a resident of the halting site needs, for example, to move a new caravan in the Traveller Unit, the resident must arrange with the Parks' Department staff to have someone open the barrier and monitor the movement in and/or out.</p> <p>The Council maintains, in a response to the notification form dated 21 January 2005, that Mr McCann was "not treated any less favourably than any other person who is so associated has or would be treated as no tenant of halting sites are given keys of the access barriers". The reason why no Traveller is given a key was explained as a way of protecting the sites and the residents living in them. The Council submits that it has never turned down a request to open the barrier in relation to a legal tenant's request for them to do so. The Council could not name any other non-Traveller housing scheme where tenants do not have unlimited access into the area.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Council's reasons for why persons living on halting sites are not given keys to the entrance barriers of their homes does not justify the less favourable treatment experienced by Mr McCann. It is because of this failure to accept a Traveller as a responsible person that the Council is treating any person choosing to live in Traveller-specific accommodation in a less favourable manner than a person who resides in standard non-</p>

	<p>Traveller-specific accommodation.</p> <p>The complainant established a prima facie case of discrimination. The respondent was ordered to pay the complainant €2000 as redress for the effects of the discrimination.</p> <p>Further, in accordance with Section 27(b) of the Acts, the respondents were ordered to issue the complainant a key to the said barrier immediately.</p> <p>The Equality Officer also recommended that the Council carry out an urgent review to examine whether there is still a continued need for a site entrance barrier as recommended in Guidelines - Residential Caravan Parks for Travellers paragraph 6.4.</p>
Case title	<p>DEC-S2008-113 Mr Thomas O'Donnell (represented by John Gerard Cullen, solicitors) V Roscommon County Council (represented by Peter Bland, Barrister-at-law and Mr. Dermot M. McDermott, Solicitor) File No. ES/2004/0135</p>
Decision date	December 2nd 2008
Reference details	Equality Tribunal
Key facts of the case (max. 500 chars)	<p>The dispute concerns a complaint by Mr O'Donnell that he was discriminated against by the respondent on the Traveller ground contrary to the Equal Status Act 2000 in terms of Sections 3(1)(a) and 3(2)(i) of the Equal Status Act, 2000, and contrary to Section 6(1) of that Act in that he was treated less favourably than a person who was not a member of the Traveller community was or would have been treated in being refused access to housing by the respondent.</p> <p>The complainant is married with ten children and is a member of the Traveller community.</p>

The complainant stated that he was promised by the respondent that he would be housed before December 2000. He understood that to mean he would be given a house in Boyle before that time. In September 2002, the complainant said he was offered the prospect of accommodation at a site outside Boyle town. However, he told the respondent that this was not suitable for him and his family and he would not accept it. He stated that the house was inadequate for his needs. While the respondent was proposing to renovate the site, the complainant stated he was not prepared to wait or live for any period of time in the house while in its current condition. He argued that an offer such as this would not have been made to a person who was not a member of the Traveller community. The complainant said that he was not provided with any other offers of accommodation until he was offered temporary emergency accommodation in October 2005. The complainant told the respondent, against the advice of his own solicitor, that he would not accept this accommodation as it was four miles outside the town and he was concerned that if he accepted it he would never be offered permanent accommodation suitable for his needs. Mr O'Donnell was finally housed in November, 2005 in a house that was converted from three bedrooms to five bedrooms by the Council in order to facilitate him and his family. The complainant stated that he was on the housing list for four years, during which time many other people were housed. He said that he was homeless, while all these other people were living in rented accommodation, and he should therefore have been given priority over them, particularly given the thoroughly unsuitable conditions in which he stated that he and his family were living. He argued that a number of other people, who were not members of the Traveller community, were housed during the period in question. The complainant submitted that the two offers made by the Council were unsuitable. He argued that it was self-evident that if the scheme of letting priorities worked his application would have been given the highest priority.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The respondent accepted that the complainant had been on the housing list for in excess of four years, at the time the complaint was lodged, and that others had been housed in that time although their circumstances were not as serious as the complainant's. The difficulty in the complainant's case was that houses suitable for 12 member families in the town of Boyle did not come up very often and there were also budgetary constraints involved.</p> <p>The respondent said that housing the complainant was a high priority for them and denied that it had refused to purchase four or five bedroom houses that came on the market at the time, saying that these would have cost in excess of €150,000, which would have put them beyond its cost ceiling. In that context, the respondent said that it is not true to say, as the complainant did, that its cost ceiling was €450,000 to €500, 000. It said that it was not that it could not find a house for the complainant; it just could not find a house at a price that met its budgetary constraints.</p> <p>The question the Equality Officer had to answer in relation to this complaint was whether the complainant was treated less favourably than someone who was not a member of the Traveller community was or would have been treated in the same or similar circumstances.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Equality Officer was satisfied that there was miscommunication between the complainant and respondent but was satisfied that this had nothing to do with the complainant's membership in the Traveller community. The Equality Officer was also satisfied that there was a series of misunderstandings in relation to the complainant's case but any failure was not caused by any discriminatory act on the part of the respondent. It was simply down to bad luck and bad timing, in that the respondent was in a state of flux in relation to staffing and the complainant was unaware of this.</p> <p>The Equality Officer was satisfied that the offer of the accommodation in Rathdiveen would probably not have been made to a person who was not a member of the Traveller community, as it included an element of Traveller-specific accommodation. In this context, the Equality Officer noted the description of the complainant's living conditions prior to</p>

	<p>that offer being made. The Equality Officer also noted that the complainant and his family would have continued to live in those conditions in the absence of such an offer, as the officer was satisfied that the respondent would have had great difficulty in accommodating the complainant otherwise. The Equality Officer believes the respondent considered it had no choice but to make this offer and was satisfied that, in all the circumstances of this case, the complainant was not treated less favourably by this offer. The offer was therefore not discriminatory.</p> <p>In short, the Equality Officer considered that the respondent was genuine and acted bona fides in trying to house the complainant, but faced considerable obstacles in trying to do so. The Equality Officer was of the view that the officers who acted for the respondent in relation to the complainant’s application did so to the best of their ability and with a genuine concern for the conditions in which the complainant was living.</p> <p>In relation to this complaint, the Equality Officer believes that the complainant’s membership in the Traveller community had no bearing on any action taken or decision made by the respondent. Furthermore, the Equality Officer was satisfied that a person in the complainant’s circumstances who was not a member of the Traveller community would not have been treated more favourably by the respondent than the complainant was. The problems that the respondent faced in housing the complainant had, in the officer’s view, nothing to do with his membership in the Traveller community. They were caused by the fact that he had a large family and required a five bedroom house.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Equality officer found that the complainant had failed to establish a prima facie case of less favourable treatment on the Traveller ground in terms of Sections 3(1)(a) and 3(2)(i) of the Equal Status Act, 2000 and found against the complainant.</p>

3.3. Annex Three: Interviews Template:

Please introduce yourself stating your name and organisation.

Explain the purpose of the interview (briefly describing the study) and ask permission for recording it and/or taking notes.

Present the consent form and explain the reason for completing it.

Question 1:

What would you consider as the most important features of Roma/Traveller housing and accommodation situation in your country?

Possible probing questions:

- 1.a. What would you say are the most pressing issues currently facing Roma/Travellers in the field of housing and accommodation?
- 1.b. What are the factors contributing to these pressing issues?
- 1.c. Are there any regional differences? Please elaborate.
- 1.d. About particular groups of Roma/Travellers, like women, children, elderly and persons with disabilities, have you identified any particular issues that specifically affect them and are linked to housing?

Question 2:

Could you describe briefly your institution's work on Roma/Traveller housing and accommodation issues?

Possible probing questions:

- 2.a. What are the key priorities of your institution regarding housing and accommodation issues of Roma/Travellers?
- 2.b. Would you say that the financial and human resources of your institution are adequate to address housing and accommodation issues of Roma/Travellers effectively?

Question 3:

Are there any national, regional or local housing and accommodation policies related to Roma/Travellers' housing? What would you say is their actual impact on the situation?

Possible probing questions:

- 3.a. Could you give examples of positive impact?
- 3.b. Could you give examples of negative impact?
- 3.c. Are you aware of any specific impact that these policies might have on particular Roma/Traveller groups, such as women, children, elderly and persons with disabilities?

3.d. Has your institution or any other body done an impact assessment of such policies? What were the results and where could we find the documents?

Question 4:

Could you identify any examples of “good practice” related to Roma/Travellers housing?

As an illustration, good practices might be:

- Projects combating spatial segregation
- Urban regeneration or renovation projects improving Roma/ Traveller housing
- Other innovative projects improving Roma/ Traveller housing
- Codes of conduct for housing authorities, banks providing housing loans or others involved in Roma/Traveller housing
- Specific measures to facilitate access to social housing
- Projects improving neighbourhood relationships between Roma and Travellers communities and other communities
- Major awareness raising events or training activities

Possible probing questions for “good practice” mentioned, as appropriate:

4.a. How did this improve equality of opportunity for Roma/Travellers housing?

4.b. Did it help “mainstream” Roma/Traveller issues in general housing policies and how?

4.c. How did this take into account the concerns of different Roma/Traveller groups, for example women or children or the elderly or the disabled?

4.d. Did civil society organisations actively participate in this? How?

4.e. Did Roma/Travellers actively participate in this? How?

4.f. Are you aware of any positive feedback from Roma/Travellers for this?

Question 5:

Was your organisation involved in any cases of housing discrimination or other violations of the housing rights of Roma/Travellers?

Possible probing questions:

5.a. Could you tell us more about any action taken by your organisation in any of these cases?

5.b. Do you know if any Romani/Traveller group, like women, children, elderly or disabled were particularly affected?

3.4. Annex Four: Bibliography

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