



PLEASE CHECK AGAINST DELIVERY

Opening statement by Sinéad Gibney, Chief Commissioner of the Irish Human Rights and Equality Commission.

To be delivered to the Oireachtas Joint-Committee on Key Issues affecting the Traveller Community

Thursday 22 July 2021

My thanks Chair for your invitation today. I'm joined by Commission Member Dr. Rosaleen McDonagh and our Head of Legal, Michael O'Neill.

We're delighted to have the opportunity to appear before this Committee so quickly after the publication last week of the accounts of our equality reviews into Traveller accommodation.

It's very important to us as a Commission, which is directly accountable to the Oireachtas, to be able to come before members about these reviews, and the systemic issues that they identify. This is the very first equality review of every local authority in the country.

First of all let me set out role of the Commission and the statutory mandate which underpins these equality reviews.

The Irish Human Rights and Equality Commission is Ireland's independent National Human Rights Institution and National Equality Body. We are established and operate under the mandate of the *Irish Human Rights and Equality Commission Act of 2014*.

Section 32 of that Act gives us specific statutory powers to carry out Equality Reviews and to prepare Equality Action Plans.

Simply put, equality reviews are a means for an organisation (in this case a local authority) to benchmark, or audit its practices (here the delivery of Traveller-specific accommodation) against its obligations under the Equal Status Acts, in order to assess whether the organisation, as a service provider, is fulfilling its statutory obligations to ensure equality of opportunity, or an absence of discrimination.

In exercising this legal power, in June 2019 we invited each of the State's 31 local authorities to conduct an audit of the level of equality of opportunity and discrimination that exists in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation.

It related to the drawdown by the Council of the Traveller-specific accommodation budget provided by the Department of Housing, Planning and Local Government, and to the Council's obligations under the Equal Status Act.

Each Council was also asked to conduct a review of its practices, procedures, and other relevant factors in this context, having regard to the Equal Status Act.

This is the first time the Commission has used this equality review power to audit a public service which is provided in every local authority area. We have chosen to do this to examine, in a more systematic way, the policy and processes governing Traveller accommodation provision around the country.

This work is complementary to the Public Sector Equality and Human Rights Duty, which seeks to promote a more proactive cultural change in public bodies. One where human rights and equality implications of policy decisions and administrative processes are considered as a matter of course.

It's important to note that for the Commission, this work has been in addition to other continuing work on Traveller related discrimination.

This work with, and for, Travellers comes under multiple strands of our mandate. It has included the litigation of individual cases through the courts, bringing forward new research to inform and shape policy-making, and using other tools such as our annual grants programme to support the capacity of local and national Traveller groups, particularly around access to justice.

As we appear today the Commission has over 100 Traveller clients on file with our legal team, across specific instances of challenging potential discrimination. The vast majority of these cases are related to accommodation.

After two years of work and correspondence with local authorities, last Wednesday we published accounts of these equality reviews, alongside our annual report.

While this publication does not mark the end of this legal process, we considered it important at this key stage to inform people of the work done to date. We particularly wanted to allow stakeholders, including local Traveller advocacy groups, to see (and use in their own campaigning) our recommendations to each local authority.

In preparing for the publication of these equality review accounts, we held meetings with both of the national traveller representative bodies, and separately myself and Michael held a briefing with almost forty traveller local representatives from across the country.

As members will have seen, we have done an individual report for each local authority. Each of those reports contains its own individual recommendations from the Commission.

What have we learned? Let me summarise some of the overarching findings which have emerged:

On the underspend in the draw-down of allocated funds: There is evidence that underspend is being driven by both structural issues in how funding is allocated and drawn down, but also by a frequently deficient process for identifying actual and future housing needs.

On evidence of poor information gathering to inform decision-making: There is evidence that the process for assessing the number of Travellers in a given local authority area varies from council to council, and that the process itself can be deficient in capturing accurate information.

On Identifying Travellers' True Accommodation Preferences: Travellers' true accommodation preference (i.e. Traveller-specific accommodation versus social housing) is not adequately transparent, nor does it appear to have been independently verified over time. We are concerned that a lack of Traveller-specific accommodation, or exasperation over the conditions in such accommodation, means Travellers perceive that they have no choice but to apply for social housing.

We have also identified specific issues of concern regarding culture and identity, including:

- a lack of analysis of Travellers' perspective in private rental market,
- little consideration of Travellers with disabilities,
- a need for staff training,
- and the fact that several councils set out 'indigenous requirements', for Travellers to be able to avail of social housing supports and/or Traveller-specific accommodation. We've identified the need for these local authorities to review this requirement to ensure that there is no discrimination when compared to the requirements on the wider community in access to social housing.

We were particularly concerned that in most of the equality reviews, there was little or no evidence of participation by the Local Traveller Accommodation Consultative Committee (LTACC) or to any consultation with local Travellers or Traveller organisations, to inform the equality review.

Similarly, while there was some evidence of good practice, in many local authority areas Travellers had little participation or input in relation to the management of their sites.

This committee has heard extensively about the issues of systemic discrimination as it relates to Travellers and housing.

Our Commission has also brought forward research with the ESRI on Discrimination and Inequality in Housing in Ireland, which demonstrates that:

- Travellers are almost ten times more likely to report discrimination in access to housing.
- While Travellers represent less than 1% of the Irish population, they make up more than 9% of the homeless population.
- 39% of Traveller households live in overcrowded conditions compared with less than 6% of all households.
- 84% of Travellers living in caravan or mobile home accommodation reside in overcrowded conditions.
- Travellers are exceptionally reliant on social housing, with just under half (49%) being social renters.

Associated with accommodation problems are a broader set of indicators across healthcare, educational access and decent work which are impacted by the conditions in which you live, including that:

- the life expectancy for male Travellers is 15 years lower than for the settled population and 11 years lower for females;
- 13.3% of Traveller females were educated to upper secondary or above compared with 69.1% of the settled population; and
- 80% of the Traveller population is unemployed.

This year the Commission is running a public awareness campaign combatting racism, entitled *“Because we’re all human. Means we’re all equal.”*

One of the participants in this anti-racism campaign Martin Beanz Warde said something which resonates with how Travellers are so often demonised.

“When one of us does something wrong, we all do something wrong. But when one of us does something good it’s only one of us. You are the exception to the rule.”

We need to ask the question. Is the Ireland we want to live in, one where racism is accepted?

While Travellers are a distinct ethnic group, we need to stop othering them but rather move to nurturing and valuing the distinct Traveller community and culture as a part of our shared national heritage and culture.

Ireland’s provision of Traveller accommodation has drawn widespread international criticism including from the UN, the Fundamental Rights Agency of the EU and the Council of Europe.

The last 12 months alone have been marked by regular and disturbing reports and testimony on Traveller accommodation by organisations and bodies including the Ombudsman for Children’s office and the Irish Traveller Movement.

Our own legal casework over years has shown the appalling conditions in which many Traveller families are forced to live.

We have worked with:

- a family, including a new born baby, sleeping in the family car for months, including over winter;
- families (including members recovering from surgery for serious illnesses) living for long periods on so-called ‘temporary’ halting sites, wholly unsuitable for human habitation;
- a family living in ‘settled’ accommodation in seriously overcrowded conditions, including one child with a significant disability and complex medical needs.

These are just a sample of situations we see across our country.

Moving back to our work on these equality reviews specifically, a significant obstacle to overcome is the importance of cultural difference in the treatment of Travellers by the State in providing accommodation.

Next year March 1st will mark five years since Ireland recognised Traveller ethnicity.

Today, these equality reviews show scant evidence of a full appreciation of the practical implications of cultural difference when providing services and when engaging with the Traveller community. Aspects of Traveller culture such as ethnicity, nomadism, use of caravans and horsemanship are not adequately provided for in accommodation plans.

The Commission is clear now, as it was in 2017, that State recognition of Traveller ethnicity needs to be a catalyst for change in how we use resources on policies affecting Travellers.

It is essential for our human rights and equality obligations that the State acts to translate that recognition of ethnicity into a real world and appropriate service provision by public bodies across Ireland

Thank you again, and we're happy to answer any questions from the Committee.

ENDS