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FLASH REPORT

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| Country: | Ireland |
| Title: | National equality body instigates equality reviews of Traveller accommodation provision |
| Date: | 9 July 2019 |
| Expert: | Judy Walsh |
| <u>Context</u> | |
| Issue at stake: | Ireland's national equality body has requested local government bodies to conduct a review of compliance with equality law obligations in the field of accommodation for the Traveller community |
| Grounds of discrimination: | Racial or ethnic origin |
| Field of application: | Housing |
| Source: | National equality body |
| Applicable law: | Equal Status Acts 2000-2018; Racial Equality Directive 2000/43 |

Content

Policy development: On 28 June 2019, Ireland's national equality body announced that it has instigated equality reviews of Traveller accommodation provision. Using a statutory power, the Irish Human Rights and Equality Commission (IHREC) has requested all local government authorities to conduct an audit on the level of equality of opportunity and/or discrimination that exists in relation to members of the Traveller community who wish to avail of Traveller specific accommodation. The bodies must also review their practices, procedures and other relevant factors, in relation to the drawdown of capital funding and the provision of Traveller specific accommodation services. The thirty-one local authorities are to report back to IHREC within ten weeks.

Key points of analysis: This development marks a rare use of the Commission's power to trigger equality reviews. Section 32 of the Irish Human Rights Commission and Equality Act 2014 enables IHREC to conduct such reviews, and to invite organisations to do so. A review may relate to equality of opportunity generally or to a particular aspect of discrimination. In this instance, the Commission has formally invited every local authority to address Traveller accommodation provision, which falls under the ambit of the Equal Status Acts 2000-2018. That legislation prohibits discrimination in the field of housing under two grounds that are material here, the Traveller community and race grounds.

According to IHREC, the review was prompted by failures on the part of local authorities to use funding set aside for Traveller specific accommodation, as well as by evidence of persistent discrimination in its legal case work. Mirroring previous years, in 2018 local authorities drew down just EUR 6.264 million of the EUR 12 million funding allocated by

the government for the provision of such accommodation.¹ In June of this year, the European Commission against Racism and Intolerance was 'shocked' that this pattern of under-spending continues 'while many Travellers continue to live in squalor and deprivation'.² Moreover, the European Committee of Social Rights upheld a complaint against Ireland in 2015, finding that a shortfall in sufficient accommodation for Travellers, as well as inadequate site conditions, violated Article 16 of the European Social Charter.³

Local authorities are due to conduct the equality reviews by September. At that juncture, the Commission may take further compliance and/or enforcement actions. It has the option of inviting or directing the bodies to undertake an equality action plan, which is a programme of actions to further the promotion of equality of opportunity. In the event that a local authority declines to undertake an equality review, IHREC may conduct one instead. The Commission can also compel the production of information and documentation for the purpose of an equality review or an equality action plan. Ultimately, it has the power to issue notices seeking compliance with the terms of an equality action plan.

Internet link source: <https://www.ihrec.ie/human-rights-and-equality-commission-launches-national-review-into-council-traveller-accommodation-provision/>.

¹ Minister of State at the Department of Housing, Planning, Community and Local Government, Damien English TD, Written Answers, Housing, 28 May 2019, *Dáil Éireann*, https://www.oireachtas.ie/en/debates/question/2019-05-28/504/#pq_504.

² European Commission against Racism and Intolerance (2019) *ECRI report on Ireland (fifth monitoring cycle)*, CRI(2019)18, at 67, <https://rm.coe.int/fifth-report-on-ireland/168094c575>.

³ European Committee of Social Rights (2016) *European Roma Rights Centre (ERRC) v Ireland*, Complaint No. 100/2013, available at <http://hudoc.esc.coe.int/eng/?i=cc-100-2013-dmerits-en>.