

Submission to the Committee on the Elimination of Racial Discrimination (CERD) on the rights of Gypsies and Travellers in London: Adequate housing is the keystone for other rights

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Summary

The fulfilment of the right to housing, in London, discriminated against racially minoritized groups. No additional Gypsy or Traveller site has been built in London since 1996, and there has never been a dedicated transit site for nomadic Gypsy and Traveller families. This neglect forced Gypsies and Travellers to live in culturally inappropriate “bricks and mortar” housing, or in unauthorized encampments, where they ran afoul of discriminatory laws. Urgent investment is required in adequate specialist accommodation, and laws and decrees must be brought into conformity with human rights legislation.

- Introduction: Racial discrimination with regards to the right to adequate housing in London

The fulfilment of the right to housing, in London, is structurally discriminatory against racially minoritized groups.

1. The housing crisis in London is a result of accumulated governmental policies that give rise to discrimination against racially minoritized groups. Among these groups, Gypsies, Roma and Travellers are acutely affected.

Social housing is provided in the UK by local authorities. According to the National Audit Office (NAO), central government funding for local authorities fell in real terms by more than 50% on a like-for-like basis between 2010-11 and 2020-21.¹ As a result, local authorities cut spending on housing, planning and development services by more than 35%.² Government figures for 2020 showed that in London, White British households were less likely to rent social housing than households from all other ethnic groups.³ The Office for National Statistics (ONS) analysed in 2023 that Gypsies and Travellers are more than twice as likely than the national average to live in accommodation rented from local authorities (42.3% compared with 16.6%).⁴ Of the 1,264 Gypsy and Traveller households who live on caravan pitches in London, 655 are tenants in sites provided by local authorities.⁵ Therefore, racially minoritized groups and especially Gypsies, Roma and Travellers are more likely to be affected by the cuts to local authorities' funds, resulting in inadequate housing.

2. Statutory homelessness and poor standards of temporary accommodation in London are violations of the right to adequate housing.

The NAO has calculated that, since 2010, private sector rents have increased eight times as much as median earnings in London (and three times as much as median earnings in England overall).⁶ People living in poverty in London cannot afford to rent from the private sector, and must apply for social housing (which cannot be supplied due to the funding cuts mentioned above). For too many people, and especially for members of racially minoritized groups, the cost of living and the lack of social housing leads to statutory homelessness. While 31% of people experiencing homelessness in England and Wales are from recognized racially minoritized communities, these communities make up only 14% of the total population.⁷ Homeless households in London have an average stay in temporary accommodation five times longer than elsewhere in England.⁸ Around 50% of temporary accommodation in London was found to contain safety hazards and vermin infestations, and most are overcrowded.⁹ One in 23 children in London live in temporary accommodation.¹⁰ Twelve babies and young children died in London, with temporary accommodation a contributing factor in their death, in 2019-2024.¹¹ London Gypsies and Travellers' research with 56 Gypsy, Roma and Traveller households experiencing homelessness in inner London found that in 2022-23, half were driven into homelessness because of inadequate housing provision, and four said that they had experienced direct discrimination on racial grounds in their access to housing services.¹²

The ONS found in 2023 that women, young people and people from ethnic minority backgrounds are more likely to experience hidden homelessness (meaning that they do not access support from local authorities at all, however inadequate it may be). Data for London for 2021/22 shows that Black African, Caribbean, White Other, Roma and Gypsy Traveller groups are all disproportionately more likely to be sleeping rough.¹³ In the inner London study for 2022-23, London Gypsies and Travellers found one 23-year-old single man living in his caravan on an unauthorized pitch for 15 months, whose hidden homelessness was inadequately solved by his being compelled to sell his caravan and move into temporary “bricks and mortar” accommodation.¹⁴

- The right to culturally appropriate accommodation: Discrimination against Gypsies and Travellers with regards to their recognized protected characteristics

Gypsies and Travellers have the right to live in specialist housing aligned with their cultural heritage and preference for nomadism, yet no additional Gypsy or Traveller site has been built in London since 1996, and there has never been a dedicated site for nomadic Gypsy and Traveller families. This neglect forced Gypsies and Travellers to live in inappropriate “bricks and mortar” housing, or in unauthorized encampments, where they ran afoul of discriminatory laws.

1. Specialist accommodation for Gypsies and Travellers in London is insufficient. Gypsies, Roma and Travellers are members of recognised ethnic groups which are protected from racial discrimination. These ethnic groups (Gypsies, Roma and Travellers being in themselves umbrella terms for a number of different groups) share a protected characteristic, which is a culture and heritage of nomadism, legally recognized in 2020 in the judgment that the “Gypsy and Traveller community have an enshrined freedom not to stay in one place but to move from one place to another”.¹⁵ Nomadism is a lawful activity, and its exercise and expression are especially protected by human rights legislation as part of Gypsies and Travellers’ right to private and family life, and from protection from discrimination, which in this report is analysed with regards to the provision of adequate housing. One aspect of adequacy is that the accommodation be culturally appropriate.¹⁶ For thousands of Gypsies and Travellers in London, providing culturally appropriate housing entails the construction of specialized sites with adjustments for nomadic culture. The last assessment of the housing needs of Gypsies and Travellers living in London was published in 2008.¹⁷ It found then that 1,626 Gypsy and Traveller households required a pitch on specialized sites to be provided by the local authorities in the period 2007-2017 because they were living in overcrowded conditions or in culturally inappropriate housing.¹⁸ No additional site was built, therefore London’s pitch capacity has been constrained (with each pitch designed to house one household), despite demand increasing in line with natural population growth. Local authorities closed at least one site, Springtide Close in south

London, in 2020, which still stood empty in 2024.¹⁹ Another site, Thurston Road in southeast London, was closed in 2009, and the Traveller residents were still waiting, as of June 2024, for the six pitches to which they were meant to be relocated.²⁰

In January 2024, 377 Gypsy and Traveller caravans were standing on unauthorized sites in London,²¹ reflecting some of the unmet need for specialist accommodation.²² Gypsies and Travellers in London had the highest percentage of households suffering from overcrowding (32.6% in contrast to 19.6% average for London).²³ London Gypsies and Travellers' research into homelessness in 2022-23 found three generations of a family living in one caravan, with parents and a 3-month-old baby forced to sleep on the floor.²⁴ The overcrowding also reflected the need for more, and adequate, accommodation.

2. Existing sites suffer from neglect and exposure to pollution.

There are 30 Gypsy and Traveller sites provided by local authorities in London, most of which lack basic amenities such as rainwater drainage, road maintenance, access to communal and green spaces, and regulation of noise and air pollution.²⁵ The only local authority in London to utilize the government's Traveller Site Fund was the Royal Borough of Kensington and Chelsea, which spent £78,909 (USD 100,143) in 2022 on refurbishing a communal space at the Stable Way Traveller Site, while £485,000 (USD 615,513) from the available fund were not spent at all.²⁶ Stable Way Site is overcrowded, wedged under a dual carriageway overpass where seven major roads and a railway line intersect.²⁷

The Old Willow Close Site in east London is delineated by a triangle between three train lines, and consequently subjected to constant loud railway noise, and Trewint Street Caravan Site in south London is situated immediately adjacent to a waste disposal facility.²⁸ Bashley Road Site in west London is located within an industrial estate and next to a highspeed railway construction site; the resulting intolerable levels of air and noise pollution rendered the site "not fit for purpose".²⁹ The government-appointed railway construction company held a public meeting in 2021 at which it explained that it would suppress the dust for the benefit of its workers but not for the Traveller residents.³⁰ Pitches on the Star Lane Site in southeast London have had no running water for more than two years.³¹

Environmental racism, whereby accommodation for minoritized groups is situated in polluted environments that damage their health, has been researched with regards to Gypsies and Travellers in the United Kingdom: of 291 sites provided by local authorities analysed in the study, 54% were found to be within 100 metres of major pollutants.³²

3. Nomadic and semi-nomadic ways of life are suppressed and criminalized by disproportionate injunctions and laws.

The same outdated accommodation assessment, in 2008, identified the need for 40 transit pitches in London,³³ and there was still no transit site in 2024. Several London local authorities stated that they had no intention of providing transit sites or short-term caravan standing places.³⁴ Fifteen London local authorities have tried to institute bans on Gypsies and Travellers stopping in their localities.³⁵ The stated reason was that visiting Gypsies and

Travellers were expected to engage in prohibited waste disposal,³⁶ an expectation that in itself betrayed racist attitudes. Under the power of the ban in just one local authority in east London, on 12 April 2021, Traveller families in eight caravans were evicted from Bretons Outdoor Recreation Centre, and eight additional caravans were stopped by the Metropolitan police which reported that the evicted Travellers were “in the majority, amicable” and “keen to find out where they could go without being moved on”; and on 8 June 2022, Traveller families residing in three caravans were evicted within hours from Upminster Rugby Fields.³⁷ Such blanket bans, referred to as wide injunctions against persons unknown, were found in 2020 by the Court of Appeal to be inadmissible because they fail to meet welfare and housing needs.³⁸ In 2023 the Supreme Court judged that injunctions violated Gypsies and Travellers’ rights when issued in the context of the absence of transit sites.³⁹ Nevertheless, at least one London local authority continued to maintain such an injunction in 2024.⁴⁰

4. The Police, Crime, Sentencing and Courts Act that became law in 2022 (Police Act 2022) criminalized nomadism in unjustifiably disproportionate ways.

The Police Act 2022 gave the police powers, in addition to existing anti-trespass laws, to ban Gypsies and Travellers from an area for up to 12 months (increased from three months), alongside powers to fine, arrest, imprison Gypsies and Travellers on roadside camps, and impound their homes. According to *Travellers Times*, a Gypsy, Roma and Traveller newspaper, the new powers were used at least 10 times in the summer of 2023,⁴¹ during the season when Gypsies and Travellers journey to community-specific fairs. On 17 July 2023, the Police Act was used to evict Traveller families from empty land behind a supermarket on Brigstock Road in south London.⁴²

Wendy Smith, a Romany Gypsy living on an unauthorised encampment with the owners’ permission in Yorkshire, placed a legal challenge to the Police Act in 2023. She drew attention to the “chilling effect” of the new offence,⁴³ which had the consequence of suppressing Gypsies and Travellers’ nomadic way of life. On 14 May 2024, the High Court of Justice judged that specific sections of the Police Act were incompatible with human rights legislation, because the prohibition on returning to an area for 12 months would disproportionately and unjustifiably affect Gypsies and Travellers.⁴⁴ However, most of Part 4 of the Police Act, including additional powers introduced in 2022, remains in force unchallenged. Part 3, sections of which have also been found to violate human rights law with regards to the right to peaceful protest, was subject to a separate challenge.⁴⁵

- London Gypsies and Travellers’ Recommendations

There are some 40,000 Gypsies and Travellers living in London, and though these communities are relatively small in numerical terms, the multiple challenges they face are enormous.⁴⁶ In the context of Gypsy, Roma and Traveller social exclusion, members of these communities suffer suicide rates many times higher than the national average.⁴⁷ London Gypsies and Travellers proposes that resolving the shortage of adequate accommodation adjusted to nomadic life is the keystone for building a path out of decades of discrimination.

Recommendations to the United Kingdom's national authorities:

- Immediately invest in social housing including specialist housing for Gypsies and Travellers, so that the homelessness crisis is fixed.
- Ensure that the Police, Crime, Sentencing and Courts Act 2022 complies with human rights legislation, and repeal Sections 60C, 61 and 62A of Part 4 in particular.
- Reform the regulation of the rental sector so that affordability, decent accommodation standards, and security of tenure are instituted without discrimination on racial grounds.
- Ensure that housing provisions allow for temporary accommodation to be accessed only as a last resort and within the statutory limits.

To the Greater London Authority:

- Establish sites in the four corners of London that will accommodate at least 40 pitched caravans for short-term stays.
- Lead on the formation of regional negotiated or permitted stopping arrangements so as to accommodate nomadic Gypsy and Traveller families in caravans.
- Introduce a moratorium on evictions of nomadic Gypsy and Traveller families until there are sufficient permitted stopping places.
- Ensure that government funding is ringfenced for the refurbishment of permanent Gypsy and Traveller sites in London.
- Ensure that environmental standards are applied without discrimination on racial grounds.

To local authorities in London:

- Suspend wide injunctions against persons unknown until all conditions stipulated by the Court of Appeal in 2020 and the Supreme Court in 2023 are met, especially the establishment of suitable permitted stopping places and transit sites.
- Act urgently on the duty to provide adequate specialist housing for Gypsies and Travellers in the form of new sites designed in consultation with Gypsy and Traveller communities living in the area.
- Do not close existing Gypsy and Traveller specialist accommodation until new sites are opened.
- Invest in the maintenance of decent standards of existing Gypsy and Traveller accommodation without discrimination.

Endnotes

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