

Submission to the Committee for the International Covenant on Civil and Political Rights

January 2020

This is a joint report from 5 organisations working with Gypsy, Roma and Traveller communities to the Committee for the International Covenant on Civil and Political Rights, to help inform the list of issues the Committee requests the UK Government addresses.

Friends Families and Travellers; work with Gypsies, Travellers and Roma regardless of ethnicity, culture or background. We seek to end racism and discrimination against Gypsies, Travellers and Roma and to protect the right to pursue a nomadic way of life.

National Federation of Gypsy Liaison Groups; is a national membership body of 20 Gypsy Roma Traveller Organisations covering England, Scotland and Wales.

Derbyshire Gypsy Liaison Group; provide assistance and information to the Gypsy community in and around Derbyshire. DGLG also has close relationships with local authorities and services to aid managing Gypsy culture with knowledge and respect.

Leeds Gypsy and Traveller Empowerment; an organisation led by Gypsy and Traveller people in partnership with others in and across West Yorkshire.

Gypsy and Traveller Empowerment Hertfordshire; a community led organisation, seeking to educate both travelling communities and the wider population to live side by side in a diverse society.

This report focusses on the rights of Gypsy, Roma and Traveller communities in England, specifically in relation to violations of Article 19, 20 (2), 26 and 27 of the International Covenant on Civil and Political Rights.

Gypsies, Roma and Travellers are amongst the most marginalised and excluded communities in the UK, are the most likely groups to experience housing deprivation, poor health outcomes and low education attainment and face high levels of race hate and discrimination. This report outlines the position under these areas in relation to specific articles on the Convention, covering;

- Discrimination in accessing basic services – violation of Article 26
- Gypsies and Travellers denied the right to practice and enjoy their culture - violation of Article 27
- Race hate against Gypsies and Travellers - violation of Article 19 and 20 (2)

Discrimination in accessing basic services – violation of Article 26 of the ICCPR

Gypsy and Traveller communities disproportionately face barriers in accessing health care - violation of Article 26 of the ICCPR

Gypsy and Traveller communities face some of the most severe health inequalities amongst the UK population, even when compared with other socially deprived or excluded groups, and with other ethnic minorities (Parry *et al.*, 2007). Researchers have found that Gypsies and Travellers are estimated to live between 10 and 25 years shorter than the general population (EHRC, 2009). Before life expectancy is taken into account, Gypsies and Travellers experience six less Quality Adjusted Life Years than average, that is six less years spent in good health compared with the general population (Parry *et al.*, 2007).

Without exception, researchers on the health of Gypsy and Traveller communities highlight the damaging effects living on unauthorised sites (land without planning permission) and the associated repeated evictions have. Families living on unauthorised sites often miss health appointments due to evictions, struggle to maintain continuity of care and are often refused registration at GP practices. Whilst National Health Service guidance says that patients do not need an address to register, in practice this is often not the case. Research conducted by Friends, Families and Travellers in 2019 found that out of 50 GP practices across England, 24 refused to register our Traveller mystery shopper because they had no proof of identification or because they had no address (FFT, 2019). This issue disproportionately impacts transient Gypsies and Travellers and those without a place to stop at all.

Suggested Questions for ICCPR to ask the UK Government in the List of Issues;

- What is the UK Government doing to ensure that GP practices are not discriminating against Gypsies and Travellers with no identification or proof of address?
- When will the National Health Service include 'Romany Gypsies', 'Irish Travellers' and 'Roma' in their data dictionary so that better evidence can be gathered on the scale of health inequalities and access to healthcare for these ethnic groups?

Discrimination experienced in educational services - violation of Article 26 of the ICCPR

The disparity between Gypsy, Roma and Irish Traveller children's educational outcomes compared with the combined national average is evidenced in data gathered by the Race Disparity Audit:

- Only 40% of Gypsies and Irish Travellers over the age of 16 hold any qualifications, compared to 78% for England and Wales (ONS 2014).
- Only 31% of Irish Travellers and 29% of Gypsy/Roma met the expected standard for reading aged 6-7 compared with the combined average of pupils at 76% (Race Disparity Audit, 2018a).
- Only 5.3 % of Gypsy/Roma pupils and 9.9 % of Irish Traveller pupils achieved English and Maths GCSE at C grade or above compared with the combined average of 42.6%. (Race Disparity Audit, 2018b).
- Pupils from the Irish Traveller and Gypsy/Roma ethnic groups have the highest rates of both temporary ('fixed period') and permanent exclusions (Race Disparity Audit, 2018c; 2018d).

There is not one single cause of these inequalities but they can be understood in terms of the widespread discrimination and racist bullying that Gypsy and Traveller children experience.

Gypsy/Roma pupils are over three times more likely to be permanently excluded from school than white pupils. For Irish Traveller students, permanent exclusion is between three and five times more likely than for white pupils; 1 in every 200 Irish Traveller pupils are permanently excluded (Roma Support Group, 2017).

It is clear that the educational inequalities faced by young Gypsies and Travellers will limit employability and financial security in their future, which in turn puts them at high risk of poverty/extreme poverty (Joseph Rowntree Foundation, 2018). Indeed, the 2010 Census revealed that Gypsies or Travellers are the ethnic groups with the lowest proportion of respondents who were economically active at 47% compared with roughly 63% for White British and 70% for Indian, for example (ONS, 2011).

The Women and Equalities Parliamentary Select Committee conducted an inquiry “Tackling inequalities faced by Gypsy, Roma and Traveller communities.” Finalised in March 2019, the report identified the issues relating to health, education and employment. Following this damning report the UK Government announced on the 6th of June 2019 the launch of a “national strategy to tackle Gypsy, Roma and Traveller inequalities”. However there has been no notable progress in relation to the development of a national strategy.

Suggested Questions for ICCPR to ask the UK Government in the List of Issues;

- What steps are the UK Government taking to reduce the gap in educational attainment between Gypsy and Traveller pupils and the general pupil population?
- What steps are the UK Government taking to provide more inclusive education for Gypsy and Traveller pupils?
- What progress has the UK Government made in relation to the national strategy to tackle the inequalities experienced by Gypsy, Roma and Traveller communities?
- What time-scale, specific objectives and resources have been allocated by the UK Government to develop and implement the strategy?

Gypsies and Travellers denied the right to practice and enjoy their culture - violation of Article 27 of the ICCPR

Gypsies and Travellers have a cultural tradition of living in caravans or other mobile structures. The UK Government has done little to facilitate the Gypsy way of life.

Failure to address the national shortage of sites for Gypsies and Travellers to live on in England, hinders the right to pursue the cultural tradition of living in caravans - violation of Article 27 of the ICCPR

The national shortage of Gypsy and Traveller sites in the UK has not been adequately addressed through policy, indeed, the Equality and Human Rights Commission (EHRC) described housing policy toward Gypsies and Travellers in the UK as ‘hostile’ (EHRC, 2018a). Since 2010 there has been only a 2% increase in socially rented pitches up until 2017 (DCLG, 2010; DCLG, 2017). This is an insufficient number to address even natural growth through household formation, let alone the historic lack of pitches for Gypsy and Traveller families. Although there has been an increase in private pitch provision between 2010 and 2017, there is still a chronic shortage of pitches to meet Gypsy and Traveller families' needs. Between January 2017 and January 2019, Friends, Families and Travellers supported over 600 Gypsies and Travellers who have no place to stop their caravans. The most

recent Traveller Caravan Count revealed that around **3000 Gypsy and Traveller families live on unauthorised land, largely because they have no place to stop (MHCLG, 2019).**

Under the Department for Communities and Local Government's (DCLG) Planning Policy for Traveller Sites (PPTS), local authorities in England are required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of land for Gypsy and Traveller pitches against their locally set targets. However, research conducted in 2016 showed that only 10 out of 66 local authorities in the South East and only 15 out of 70 in the East and West Midlands were complying with their duty (Friends, Families and Travellers; National Federation of Gypsy Liaison Groups, 2016). Furthermore, many Gypsy and Traveller families cannot buy land or gain planning permission for private sites. The EHRC stated in their 'Pressing for progress: women's rights and gender equality' report that planning objections from local councillors and residents were the most common barrier to adequate site provision (EHRC, 2018b).

Rather than develop a strategy to increase provision, local authorities and national Government have taken an enforcement approach to evict families.

Suggested Questions for ICCPR to ask the UK Government in the List of Issues;

- Will the UK Government reintroduce Gypsy and Traveller pitch targets and a statutory duty onto local authorities to meet the assessed need for Gypsy and Traveller sites?

Ethnic Gypsies and Travellers are being defined out of existence by the planning definition of a Traveller - in violation of Article 27 of the ICCPR

In 2015, the Government revised the definition of 'Gypsies and Travellers' for planning purposes in their 'Planning Policy for Traveller Sites' (PPTS). The revised PPTS definition of 2015 has meant that not all Gypsies and Travellers are assessed as requiring a Traveller pitch, so not all Gypsies and Travellers who need a place to live in their caravan are being captured and provided for in Local

Plans. The revised definition means that those who have permanently ceased travelling are excluded from the planning definition of a Traveller, even if they are an ethnically defined Romany Gypsy or Irish Traveller. This exclusion disproportionately affects Gypsies and Travellers who are disabled or elderly, and women who may have ceased to travel in order to care for dependents.

Research conducted by the Equality and Human Rights Commission on the impact of the definition change found that instead of 100% of accommodation need falling within the PPTS definition, just 15% of need now falls within the definition (EHRC, 2019).

Suggested Question for ICCPR to ask the UK Government in the List of Issues;

- What is the UK Government doing to ensure Gypsies and Travellers are not negatively impacted by the change in planning definition?

Gypsies and Travellers who have no authorised place to stop face constant evictions - in violation of Article 27 of the ICCPR

There are around seventeen different powers named in the Department for Communities and Local Government publication 'Dealing with illegal and unauthorised encampments', which enable local authorities and police forces to quickly move Gypsies and Travellers on from private or public land (DCLG, 2015). One of those tools which is increasingly being used by local authorities is the use of injunction orders to prohibit named persons and 'persons unknown' from stopping on specified

sections of land in the respective local authority area. Approximately 37 local authorities have now obtained this kind of injunction.

In the context of the nationwide failure to identify enough land and build enough sites to meet the needs of the Gypsy and Traveller population it is both inhumane and short-sited that the response from local authorities is to criminalise those Gypsies and Travellers without a place to stop.

Current proposals to make unauthorised encampments a criminal offence or to increase police powers to evict Gypsies and Travellers will criminalise Gypsies and Travellers for pursuing their right to a cultural way of life - in violation of Article 27 of the ICCPR

The most critical threat to the cultural rights of Gypsies and Travellers in the UK today is the UK Government's proposals to either increase police powers under the Criminal Justice and Public Order Act 1994 to evict Gypsies and Travellers from unauthorised encampments or introduce legislation to turn unauthorised encampments from a civil offence, to a criminal offence. This will result in fines, imprisonment and the seizure of vehicles. The result will be a devastating violation of the human rights of these communities and their right to pursue a nomadic way of life.

In response to these proposals the National Police Chiefs Council and the Association of Police and Crime Commissioners stated,

"We believe that criminalising unauthorised encampments is not acceptable. Complete criminalisation of trespass would likely lead to legal action in terms of incompatibility with regard to the Human Rights Act 1998 and the Public Sector Equality Duty under the Equality Act 2010, most likely on the grounds of how could such an increase in powers be proportionate and reasonable when there are insufficient pitches and stopping places?"

Suggested Question for ICCPR to ask the UK Government in the List of Issues;

- How are the proposals to criminalise trespass and the use of 'wide injunctions' compatible with the rights of Gypsies and Travellers to pursue a cultural way of life?

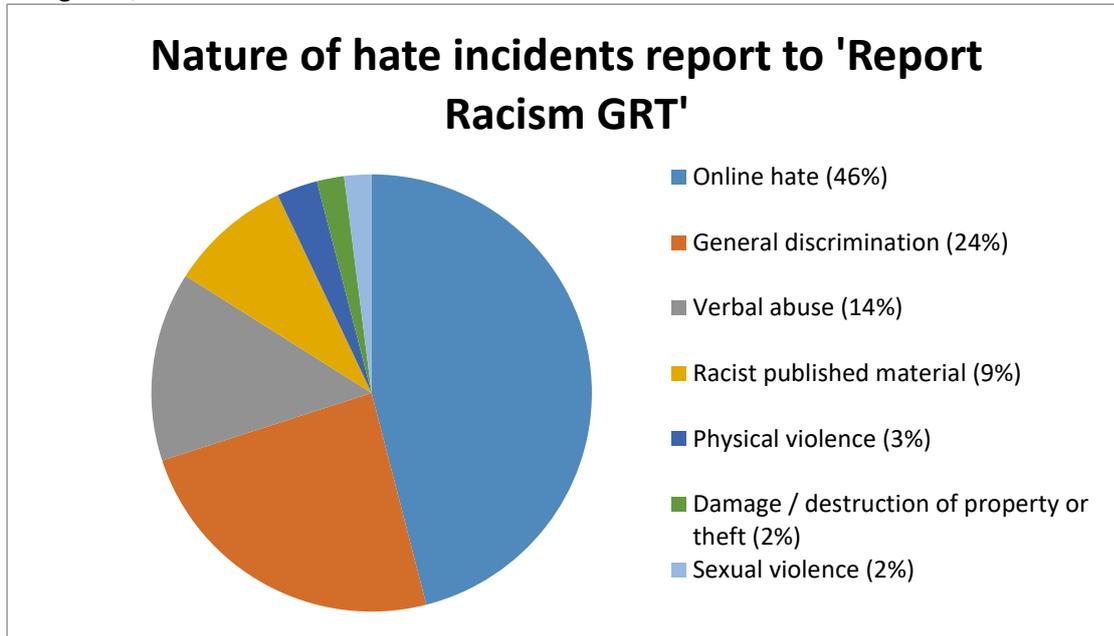
Race hate against Gypsies and Travellers, violation of Article 19 and 20 (2) of the ICCPR:

Gypsies and Travellers are victims of race hate crime and incidents - in violation of Article 19 and 20(2) of the ICCPR

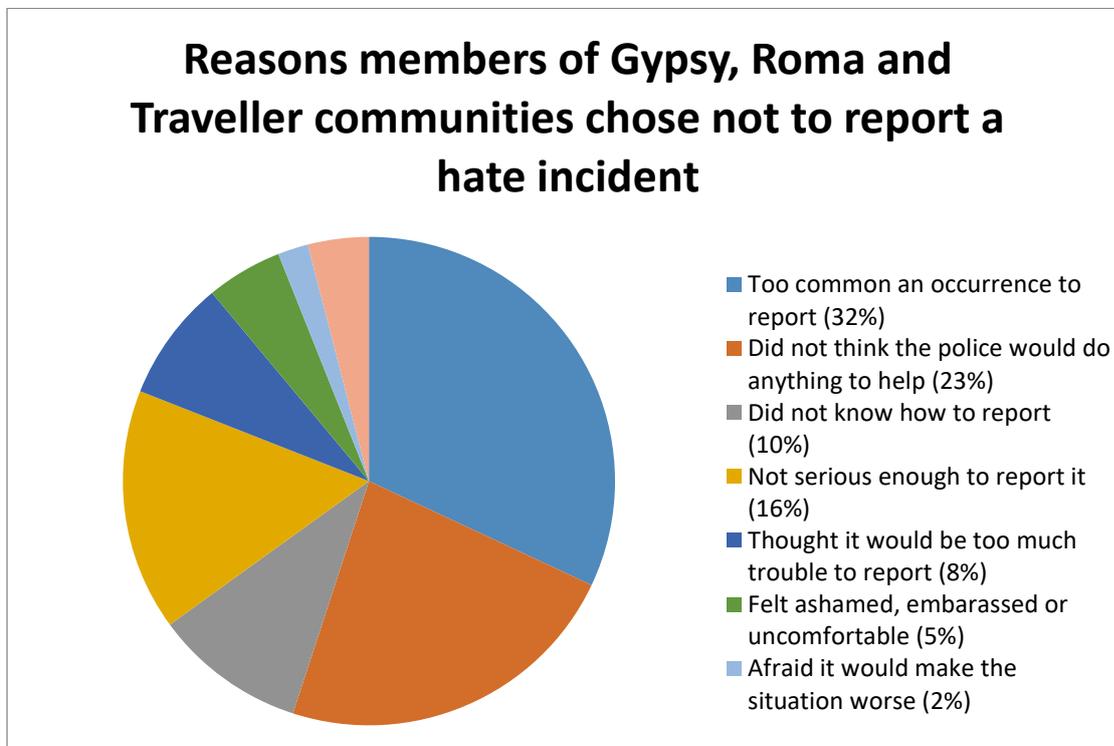
There is no centrally held data on the extent of hate crime and incidents committed against Gypsies and Travellers. Because of this lack of data, third sector organisations working with Gypsy, Roma and Traveller communities have begun to collect information on the prevalence of race hate incidents/crimes and obstacles to reporting it. In 2017, the Traveller Movement carried out a survey of 199 Gypsy, Roma and Traveller people in the UK and found that 77% had experienced hate speech or hate crime (Traveller Movement, 2017). Furthermore, in their 'Policing by Consent' report released in 2018, the Traveller Movement found that police officers they spoke to from 45 territorial police forces in England, Scotland and Wales considered hate crime to be the most common issue members of Gypsy, Roma and Traveller communities report to the police (Traveller Movement, 2018).

This is especially startling when you take into account data collected by GATE Herts which has found that Gypsy, Roma and Traveller communities report less than 15% per cent of hate incidents to the police (GATE Herts, 2018). GATE Herts have been commissioned by the Ministry of Housing, Communities and Local Government to develop an online hate crime/incident reporting service

called 'Report Racism GRT' which is specifically for Gypsy, Roma and Traveller communities in order to encourage hate crime reporting and address the lack of national data. Between 2016 and 2018 the 'Report Racism GRT' tool has received over 691 reports. Incidents have been grouped into seven categories;



As part of the process of reporting a hate incident on the 'Report Racism GRT' website, people are asked if they have reported the issue to the police and if they haven't, why they chose not to. Out of the 441 people who answered this question, only 57 people said that they also reported the incident to the police. A number of reasons were given for this:



"If I reported everything I came across I would do nothing else... I have tried to report and respond to the abuse which is often targeted at our animals and children but there is too many and you just can't win"
 Respondent to GATE Herts Research

This project provides sorely needed data on hate crimes and incidents committed against Gypsy, Roma and Traveller communities. However, it is vital that the Government begins to collect disaggregated data on hate crime which can begin to give us a fuller picture of who is experiencing hate crime in England and what the outcomes are for victims when reported. In particular, if certain geographic areas have higher prevalence of hate crime or specific events spark surges in hate crime, the Government can begin to take a preventative approach to address this. This will enable the Government to more effectively target the causes of hate and to more adequately safeguard the lives of those most at risk.

In 2017/18, there were 94,098 hate crime offences recorded by the police in England and Wales, an increase of 17% on the previous year. Of the total number of hate crime offences, 76% were racially motivated (Home Office, 2018). We believe that this rise reflects both improvements in hate crime reporting and an actual increase in incidents of hate crime. However, since the inception of the UK Government's Hate Crime Action Plan, improvements have been made in some areas of tackling hate crime for communities in the UK more generally, but despite the high evidenced need to address prejudice against Gypsy, Roma and Traveller communities this is often overlooked and under resourced. For example:

- Although it is widely acknowledged and evidenced that Gypsy, Roma and Traveller children are at high risk of racist bullying, the HCAP makes no commitment to address this, nor have commissioned any projects to do so (Equality and Human Rights Commission, 2018a).
- The Government have established Cross-Government Working Groups on Antisemitism and Anti-Muslim hatred. Although the research from the Equality and Human Rights Commission is clear that Gypsy, Roma and Traveller communities experience the highest levels of hate in England, no such Cross-Government Working Group has been established.

The Hate Crime Action Plan recognises that Gypsy, Roma and Traveller communities are at risk of hate incidents and/or crimes and the Government have, as mentioned, provided some funding to third sector organisations to support hate crime reporting in Gypsy, Roma and Traveller communities. However, on the national level, the Home Office statistical bulletin for Hate Crime in England and Wales for 2017/18 presents aggregated ethnicity data for racially motivated hate crimes with five ethnicity categories but no data on hate crimes committed against Gypsy, Roma and Traveller people. This means that it is difficult to build an understanding of hate crime against Gypsy, Roma and Traveller people and to respond to hate crime as outlined in the Government's Hate Crime Action Plan.

Questions for the UK List of Issues

- What is the UK Government doing to improve its monitoring of the extent of hate crimes and incidents committed against Gypsies, Roma and Travellers?
- Will the UK Government increase inclusion of tackling Gypsy, Roma and Traveller race hate in their Hate Crime Action Plan?

Media coverage perpetuating harmful stereotypes and fuelling race hate - violation of Article 19 and 20 (2) of the ICCPR

Local and national media coverage of Gypsy, Roma and Traveller communities is predominately negative, frequently playing upon ideas of criminality and focuses on issues around unauthorised encampments or crime. The low standard of reporting on Gypsy, Roma and Traveller communities has normalised bigotry and intolerance against these groups within society. Repeatedly, we hear reports from members of Gypsy, Roma and Traveller communities who say that the media is a key player in promoting hatred against Gypsies, Roma and Travellers. Almost daily, we see reports in the press which perpetuate harmful stereotypes against Gypsies, Roma and Traveller communities.

The Equality and Human Rights Commission, in its 2016 report (see references), outlined numerous examples where members of the UK media used prejudicial or pejorative references, or promoted bias, racism and stereotyping. Whilst safeguarding freedom of speech, it is vital that steps are taken to promote more balance within the media. Existing mechanisms for challenging discrimination in the media through the Independent Press Standards Organisation (IPSO) are ineffective and lengthy.

The discrimination clause in IPSO's Editors' Code of Practice is ineffective in tackling most forms of discrimination and even where a breach of the code does take place, the process for addressing this is so lengthy that millions of people are able to read an article before it is amended or taken down.

It is therefore critical that the UK government take a new and more effective approach to addressing anti-Gypsyism in the media.

Examples of headlines promoting hate in UK newspapers:



Stories which promote hate and intolerance are almost universally accompanied by a comments section which creates a forum for people from the general public to express hateful views against Gypsy, Roma and Traveller communities. There is usually a correlation between the sentiment in an article and the degree of hatred expressed in the comments. We regularly see comments which call for people to set fire to Travellers' caravans, which use racist language and which call for Genocide or the return of Hitler. Here you can find examples of comments found under an article published online about unauthorised encampments on Cambridge News on 26th March 2018:



dave2017

4 HOURS AGO

cant you bloody read? its PRIVATE PROPERTY.
cant fine for leaving rubbish on private property
as fines for parking. so the tax payer will not
pay .
all the same its about time this city council got
tough with pikeys anyway

Reply Share Report

4 0



pong

2 HOURS AGO

Shoot them.

Reply Share Reported

5 2



Opaque

5 HOURS AGO

FFS just torch them. If they are on your property
then you should be able to deal with them
however you want.

Reply Share Reported

12 4



dave2017

4 HOURS AGO

maybe a finer class of pikey then. they need
first class legs lamb and easter eggs for the
inbreds

Reply Share Reported

6 2

Sadly, threats such as “torch the caravans” are not always empty. On Monday 18th March 2019 in Melton Mowbray, seven caravans were set alight on a Traveller site in a hate related incident. This has received limited and delayed coverage in the press.

Another hate incident covered by SurreyLive occurred in December 2019 in which racially offensive graffiti appeared on the entrance to a piece of land where Travellers were applying for planning permission. Some sort of chemical substance was used to spray the graffiti and a man had to be treated in hospital.



(Image: Surrey Advertiser - Grahame Larter)

When attacks against other minority ethnic or religious groups occur, the media cover these attacks and there is, rightly so, public condemnation from UK Government officials and ministers. However, there is a real absence of this when attacks are made against Gypsy and Traveller communities. This

suggests an unacceptable level of tolerance of hate crimes perpetuated against Gypsy, Roma and Traveller communities.

The UK Government's Hate Crime Action Plan progress report (2018) states that the Government plans to continue working with "the Society of Editors, the Media Trust and the Independent Press Standards Organisation to update the 'Reporting Diversity' booklet." However, the vast majority of civil society actors can see that this is highly unlikely to bring about the change we need to see.

If the Government are to continue with this plan of action, given the level of racial incitement against Gypsy, Roma and Traveller communities in the press, at the very least, the Hate Crime Action Plan should embed actions against anti-Gypsyism in their work with the media and other allied organisations.

Language used by elected officials perpetuate harmful stereotypes and fuel race hate against Gypsies and Travellers - violation of Article 19 and 20 (2) of the ICCPR

We frequently see Members of Parliament and Local Councillors use derogatory dehumanising language to describe Gypsies and Travellers. Subsequently, we submit complaints to the national Political Parties of which they are a member in order to challenge these comments. However, the invariable outcome of the investigation into these complaints is to accept no responsibility for the damage these comments can have on these communities in terms of racial hatred. The Parties' complaints department assert that Members of Parliament are protected by 'parliamentary privilege' in terms of scrutiny of comments made during parliamentary proceedings.

Examples of language used by Members of Parliament include:

- *Referring to unauthorised encampments as 'illegal encampments'. Unauthorised encampments are not 'illegal', they are just not authorised.*
- *Using warfare related language to describe unauthorised encampments, such as 'incursions' or 'invasions'.*
- *'..causes a huge amount of heartache to those law-abiding citizens in the settled community who have to deal with it..'*
- *'..which falls on hard-working taxpayers..'*
- *'..a big Traveller problem'*
- *'..an expensive menace..'*
- *'..people in the UK who repeatedly suffer from being besieged by Gypsy and Traveller communities.'*
- *'This year Surrey has been particularly plagued by groups who descend on open land...'*

Suggested Question for ICCPR to ask the UK Government in the List of Issues;

- What is the UK Government doing to ensure that Members of Parliament use respectful and tolerant language when discussing issues relating to Gypsy, Roma and Traveller communities?

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