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GYPSIES AND TRAVELLERS

Shadow Report

A RESPONSE TO THE UNITED KINGDOM'S 18TH
AND 20TH REPORT ON THE INTERNATIONAL
CONVENTION ON THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION (CERD)



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Executive Summary

The previous recommendations expressed concerns about a wide range of discriminatory policies which affected Gypsies and Travellers and we are disappointed to note that the concerns expressed have not been addressed in a strategic way by the Government. As a result, *Special Measures*, as prescribed by Article 1, paragraph 4 of ICERD and as explained in General Recommendation 32 of 2009, are needed in order to rectify the position for Travellers in many different areas, as outlined in this report.

General Discrimination and inclusion strategy

There is still no implementation of a single national strategy in place for Gypsies and Traveller as recommended by CERD. Even more worrying, since the change of Government, there have been a number of adverse policies adopted centrally which have the effect of placing Gypsies and Travellers in an even more vulnerable position than they were previously.

The media and Government statements

Hostile media coverage of Traveller issues is exacerbated by regular negative comments by Government and senior ministers on Traveller issues.¹ This is combined with Gypsy and Travellers being consistently presented in a negative light in the mainstream media, with evidence from the Irish Traveller Movement in Britain's online media monitor indicating that the majority of coverage of negatively dominated by the issue of accommodation.² Highly offensive language continues to be used without always being deemed unacceptable by the press, statutory bodies and the wider public. Headlines such as the Sun newspapers "Stamp on the Camps" and "War on Gypsy Free for All" were found by not to incite racial hatred by the CPS.³

In the context of widespread hostility towards Gypsies and Travellers evident in the media it appears that this has translated into a general criminalisation of the entire community. Therefore we are extremely concerned to note the totally unjustified and discriminatory publication by the Department for Communities and Local Government of *Guidance on managing anti-social behaviour related to Gypsies and Travellers*⁴ in 2010 in the run up to the UK elections. We believe this publication is a totally unfounded and discriminatory attack on the Gypsy and Traveller community used as a political tactic in the run up to the elections to win votes. This behaviour by the Government, in condoning and promoting unjustified

¹ For example, statement by Eric Pickles warning to all local councils of Travellers during bank holidays <http://www.telegraph.co.uk/news/politics/8446122/Eric-Pickles-gipsies-could-take-advantage-of-Royal-Wedding-bank-holiday-to-set-up-illegal-camps.html>

² ITMB media monitor <http://www.irishtraveller.org.uk/media>

³ Richardson & Ryder, 2009, Stamp on the Camps, p. 13

⁴ <http://www.communities.gov.uk/publications/housing/anti-socialbehaviourguide>

targeting of Travellers compounds and makes worse, the activities by the media in criminalising the community.

Accommodation

The huge difficulties Gypsies and Travellers face in securing culturally appropriate accommodation is a central aspect of the multi dimensional deprivation which Gypsies and Travellers experience. Based on the latest caravan count 20% of Gypsies and Travellers are legally homeless, living on unauthorised sites.⁵ Since May 2010 and the election of the Coalition Government we have entered a period of considerable change. In July 2010, the Government announced the revocation of Regional Spatial Strategies (RSSs). At the time of writing this report (June 2011) the RSSs have been temporarily reinstated as a result of the CALA homes Court judgement,⁶ while the Government has made it clear that it intends to abolish them through measures in the Localism Bill.⁷

There has been widespread concern at the implications of the loss of the strategic regional dimension to planning. In terms of the implications of the current situation, a 2011 ITMB report has found that only 1 out of 100 councils interviewed believe the measures in the Localism Bill will make planning for Gypsies and Travellers easier, while 55 Councils thought it would make provision more difficult. 40 % of councils specifically expressed concerns about increased local opposition to development for Travellers under the Bill's community based planning system. The report, concludes that the measures in the Government's Localism Bill and 'light touch' planning policy, Planning for Traveller Sites will make the situation for Gypsies and Travellers even worse in terms of insecurity, homelessness, unauthorised development and evictions whilst at the same time increasing community tensions.

Education

Roma and Traveller pupils are the lowest achieving groups within schools in the UK. The 2010 Department for Education (DfE) research report *Improving the outcomes for Gypsy, Roma and Traveller Pupils* revealed a number of trends in the education outcomes of Gypsy, Roma and Traveller pupils, with a high link to poverty and disrupted educational experience.⁸ The Irish Traveller Movement in Britain's (ITMB) 2010 report *Roads to Success* also revealed a high incidence of discrimination and bullying experienced by Gypsies and Travellers in school.⁹ The DfE report found that 20% of Gypsy, Roma and Traveller pupils fail to

⁵ See the comprehensive survey, *Inequalities experienced by Gypsy and Traveller Communities*, (EHRC Cemlyn et al) 2009 at pages 5-34.

⁶ *Cala Homes V. Secretary of State for Communities and Local Government*, 10 November 2010. The court found that the Secretary of State had exceeded his powers in attempting to abolish the whole national structure of RSSs and in doing so without carrying out any Strategic Environmental Assessment.

⁷ DCLG, 27 May 2010, *letter from the Secretary of State to local planning authorities and the Planning Inspectorate* and 10 November 2010, *letter from Steve Quartermain, DCLG Chief Planner*

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1765467.pdf>

⁸ DfE 2010, *Improving the outcomes for Gypsy, Roma and Traveller Pupils: final report*

⁹ ITMB 2010, *Roads to Success: Economic and Social Inclusion for Gypsies and Travellers*, executive summary, p. v

transfer from primary to secondary school. Just over half of Gypsy, Roma and Traveller pupils dropped- out of secondary school and only 38% of Irish Travellers reach statutory leaving age. *Roads to Success* found that racist bullying acts as a barrier to participation in school with parents often removing children from schools when this occurs.¹⁰ As a result of the changes from the Coalition, the Home Access scheme (HAS) will no longer be available to support low income or mobile pupils, only those children with disabilities and SEN which will have a disproportionate impact on Gypsy and Traveller pupils.¹¹ Whilst there is no government plan to dismantle Traveller Education Support Services (TESSs) their continued future existence will be at the discretion of local authorities who will have discretion as to how to allocate the pupil premium to deprived students. A recent survey found a third of local authorities have no identified support for the education of Gypsies, Roma and Travellers and in most other areas staff numbers have been reduced and roles have been restricted, and/or extended to other areas of support.¹² This is despite the fact that the TESSs have been cited as an example of good practice by the European Commission.¹³

Health

Statistical data are not currently collected within the National Health Service about the needs of Gypsies and Travellers or the services they receive, so national data is not available. However, studies have found that the health status of Gypsies and Travellers is much poorer than the general population and this situation has not improved since the previous 2003 CERD recommendations. There has been no widespread or strategic Government intervention to rectify the situation as shown in the 2009 *Inequalities report* by the Equality and Human Rights commission.¹⁴

The Sheffield Report also found Travellers also face high levels of depression; poor psychological health is often seen in the context of multiple difficulties, such as discrimination, racism and harassment, as well as frequent evictions and the instability caused by this.¹⁵ Poor quality or inappropriate accommodation as a result of forced movement inevitably exacerbates existing health conditions as well as leading to new problems. However, despite greater health need, Gypsies and Travellers use mainstream health services less than other members of the population because of practical difficulties, such as complex procedures for registering and accessing services, discrimination and lack of cultural awareness

¹⁰ Ibid, executive summary, p. v- Fifty five per cent of the sample of 95 interviewees experienced bullying and discrimination during their time in education http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf

¹¹ ITMB, Gypsy Roma and Traveller Education: Improving outcomes, 2011 <http://www.irishtraveller.org.uk/wp-content/uploads/2011/06/ITMB-Traveller-Education-Briefing-June-2011.pdf>

¹² NUT (2010) On-line NUT survey November 2010 (unpublished)

¹³ European Commission 2011, EU Framework for National Roma Integration Strategies <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:PDF>

¹⁴ Equality and Human Rights Commission, *Inequalities Experienced by Gypsy and traveller Communities: A Review (2009)* http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

¹⁵ Van Cleemput, P. et al. (2004) *The Health Status of Gypsies and Travellers in England. Report of Qualitative Findings*. Sheffield: University of Sheffield.

by health staff.¹⁶ Finally, there has been no improvement in the high infant mortality rates and lower life expectancy of Travellers. There is a need for a national strategy to be implemented for Travellers across the health system.

Employment and economic inclusion

Gypsies and Travellers continue to suffer from high rates of economic and social exclusion. From 2003 onwards there have been reports of growing unemployment and welfare dependency amongst Gypsy and Traveller communities.¹⁷ The Commission for Racial Equality (CRE) Gypsy and Traveller Strategy for England and Wales (2004) reported anecdotal evidence which indicated that “unemployment is high among Gypsies and Travellers and few of the general programmes set up to tackle unemployment have initiatives or schemes developed specifically for Gypsies and Travellers.”¹⁸

Gypsies and Travellers are not categorised as an ethnic minority group in the Department for Works and Pensions (DWP) and are presently categorised as a ‘disadvantaged group’ alongside Ex-Service Personnel and Ex-Offenders. Not acknowledging Gypsies and Travellers ethnic minority status has resulted in them being excluded from DWP research focused on ethnic minority groups. This has resulted in a severe lack of economic and social targeted support such as training for the Gypsy and Traveller communities from the UK Government.

As was highlighted earlier, the pervading racism which cuts across all areas of life for Travellers is also reflected in the area of employment. The 2009 Equality and Human Rights Commission *Inequalities Report* found evidence that Gypsies and Travellers who live on a site, or who are known to be members of local Gypsy or Traveller families encounter discrimination when applying for paid work.¹⁹ Similarly the 2010 report by ITMB on economic inclusion, *Roads to Success* found that racist experiences negatively impacted across all areas of economic inclusion impacting on Traveller interviewee’s educational, employment and training opportunities.

¹⁶ EHRC, *Inequalities experienced by Gypsies and Travellers: A Review* (2009)

¹⁷ Irish Traveller Movement in Britain, 2010, *Roads to Success* Report.

¹⁸ Commission for Racial Equality, 2004, p. 12.

¹⁹ EHRC, *Inequalities experienced by Gypsies and Travellers: A Review* (2009) at p. 40

Proposed questions for the UK Government:

1. In light of the fact that the Travelling community are categorized as an ethnic group under UK law and combined with the fact that this group experience the lowest outcomes under many national indicators, would the Government like to explain why there is no standard ethnic monitoring of Travellers in many Government departments and when they intend to implement this?
2. Would the Government confirm that they will be implementing a cross departmental national strategy to improve the outcomes of Travellers as recommended by ICERD previously and which the European Commission has outlined under the European Roma Strategy/?
3. Does the Government wish to make a public apology for making totally unjustified statements about the Travelling community designed to encourage divisiveness and which has resulted in further alienation and marginalisation of these communities who already face widely documented discrimination from society at large?
4. Considering that Travellers face discrimination at the local level in accommodation provision, have you considered the possible negative consequences of the localism bill on Travellers and what mechanisms will be put in place to counteract this?
5. Considering that recent research has found that nearly half of the UK's local councils have either abolished or have drastically reduced Traveller education services, and in light of the fact that the Traveller Education Services in the UK have been cited as good practice by the European Commission, and that Travellers have the lowest educational attainment of any group- what measures are the Government taking to ensure that Traveller children
6. In light of the widely documented statistics which demonstrate that the health outcomes of Travellers are drastically lower than all other groups, what is the Government doing to address this and will there be ring fenced funding available nationally to ensure that improvements can be implemented?
7. How does the Government propose to address discrimination against Travellers at all aspects in the criminal justice system, as documented in the recent review by the Ministry of Justice?
8. Will the Government explain why it continually refuses to intervene when there is clearly extensive racist coverage of Travellers in the media, when it is clear that the Press Complaints Commission is not effective in addressing this?
9. Does the Government agree that the fact that there has been no successful prosecutions for hate crimes against Travellers is something which must be addressed in light of the widespread evidence that such crimes are taking place and does it agree that it will take action to ensure that when crimes are reported that they will be recorded properly as hate crimes which is not currently occurring?
10. What focused and specific targeted programmes are being used to improve the high unemployment rate of Travellers and to address the discrimination they face in recruitment?

Summary of Recommendations

Inclusion strategy and discrimination

- We urged the Government to adopt a national inclusion strategy and programmes to implement this, as recommended by ICERD in their previous recommendations which has still not been implemented. We call on the Government to ensure that such a national policy is adopted which would not be affected by the provisions in the localism Agenda.
- We recommend that the Government should ensure there is ethnic monitoring of Travellers across all Government departments.
- We urge the Government to immediately stop making divisive and discriminatory statements which is further marginalizing the Travelling community from society.

Accommodation and Planning

- Planning for Gypsies and Travellers should be carried out at a wider than local level to prevent localised discrimination on accommodation issues.
- The Government need to supply resources for training and community development to allow Gypsy and Traveller organisations to more effectively engage in the planning system.
- The Government need to develop a national strategy to improve accommodation provision for Gypsies and Travellers and to challenge the widespread discrimination which is the root cause.

Education

- ITMB recommend the government closely monitor the impact of financial restraint on TESSs to ensure that the impact of local authority cuts does not fall disproportionately on these educationally vulnerable, racial groups.
- Under their obligations in the 2011 EU Framework for National Roma Integration Strategies the government should set targets for improving the education outcomes of Gypsy Roma and Traveller pupils in both primary and secondary school.²⁰
- The Government should establish a fund to support specific work on improving Traveller education outcomes.
- We recommend funding is provided for the continued survival of Gypsy Roma Traveller History Month (GRTHM) because of the vital success of GRTHM in promoting GRT culture and breaking down misconceptions and prejudices, as prescribed by Article 7 of ICERD.

Health

- There must be implementation of ethnic monitoring of Travellers throughout the National Health Service
- There must be a high level strategy to address the multi-faceted poor health outcomes of Travellers which will be unaffected by the Localism Agenda.
- We recommend there must be culturally appropriate outreach programmes established to ensure that targeted provision is provided in a culturally appropriate way.
- There should be sustained and widen scale support for initiatives that help Gypsies and Travellers to become health advocates, service providers and trainers within their own communities.

²⁰ Ibid

Employment

- ITMB urge the Government to develop a national strategy to address the high rates of economic and social exclusion suffered by Travellers.
- We strongly recommend the DWP categorise Gypsies and Travellers as an ethnic minority group and Gypsies and Travellers should be represented on the Governments Ethnic Minority Advisory Group (EMAG)

Media

- The Government should immediately stop the practice of making unfair and defamatory comments which are released to the press and which inflame the already negative reporting of Travellers.
- We urge the Government to increase pressure on the media to ensure that it does not propagate negative images of Irish Travellers which contribute to a climate in which hostility and prejudice can flourish. The Government needs to take a more active role in countering these prejudices, and should encourage responsible, accurate reporting.
- The Government should consider developing a multi- stakeholder group made up of media practitioners, local authorities and Traveller groups, tasked with developing new strategies and guidance to combat racism against Travellers in the media.
- The Government should create an independent press complaints Commission. The current PCC has a clear conflict of interest in the protection of newspaper Editors and has failed to self regulate the media appropriately. The UK Government should reverse its view that the media can effectively self regulate and ensure collective racism which targets whole groups in addition to individuals is also banned under a new framework.

Criminal Justice

- We urge the Government to ensure there is full ethnic monitoring of Travellers across the entire spectrum of the criminal justice system.
- We are extremely concerned that the UK is not categorising racist incidents encountered by Travellers as race hate crimes and believe this must be implemented without delay.
- We urge the Government to ensure that the CPS brings cases where there is clear evidence that race hate crimes have occurred.
- We recommend that the Government withdraw the guidance issued on anti social behaviour of Travellers which is unfounded.
- We believe the Government should take action to address the perceived bias and discriminatory practices evident by the police and judicial system towards Travellers
- We urge the Government to address discrimination in the prison system directed at Travellers and to ensure a specific strategy is in place, recognising the cultural needs of Traveller prisons.

Individual Petition

- The Government should make a declaration under Article 14 of the ICERD to allow individuals the right of individual petition to the Committee.

1. Introduction

The Irish Traveller Movement in Britain (ITMB) is a national organization based in the UK which works both at the community development and policy level in order to address the inequality faced by Irish Travellers living in the UK. We have submitted this Shadow Report in response to the UK Government 18th and 20th Periodic reports to ICERD in which we seek to present evidence of the current situation facing Travellers in the UK.

In preparing this report, we have sought to draw your attention to the substantial policy changes which have occurred in the past 12 months since the Government has submitted its Periodic reports. Therefore as we have outlined in this report, a large amount of changes to Government policy have taken place which CERD may not be aware of. These changes have taken place as a result of the change in Government following from the 2010 General Election, and we believe have further negatively impacted upon the Traveller community in the UK.

In identifying the core thematic areas which will form the structure of the report, ITMB have taken the approach of comparing the last recommendations and concerns by ICERD in 2003, with the latest UK Governments response in its periodic reports submitted in March 2010 and the latest policy changes. The previous recommendations and concerns of CERD specifically focused on the discrimination faced by Travellers in the areas of general discrimination/inclusion strategy, Housing, Education and Health, all of which we have separately considered in this report. In addition we have considered discrimination in the area of media and criminal justice which were referred to in the previous recommendations, which whilst Travellers were not specifically referred to in these policy areas, we are very concerned about the worrying extent of the discrimination which affects Travellers in these areas.

Finally, in this report we have used the term “Traveller” in primarily referring to Irish Travellers. However, in using the term Traveller, whilst we are primarily referring to Irish Travellers, each of the policy concerns and recommendations would be equally applicable to the Gypsy communities in the UK. Similarly, whilst there may be some differences in treatment applicable to Roma communities living in the UK, many of the recommendations would also be equally applicable to Roma also.

2. Inclusion Strategy and General Discrimination

2003 CERD recommendations:

Para 23...The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party develop further appropriate modalities of communication and dialogue between Roma/Gypsy/Traveller communities and central authorities. It also recommends that the State party adopt national strategies and programmes with a view to improving the situation of the Roma/Gypsies/Travellers against discrimination by State bodies, persons or organizations.

Para 24...The Committee urges the State party to continue taking affirmative measures in accordance with article 2, paragraph 2, of the Convention to ensure equal opportunities for full enjoyment of their economic, social and cultural rights.

Introduction

The previous 2003 recommendations by CERD clearly highlighted the need for a central inclusion strategy in line with its General Recommendation 27 which would address at national level policies, which would be implemented cross-departmentally to ensure that the situation for Travellers could be improved. Linked to this it was recommended that the national strategies would facilitate a number of programmes to ensure that such objectives were realized and that positive action could be taken to rectify the situation of Travellers.

Following on from the previous recommendations, we are very concerned to note that such national strategies to ensure inclusion of Travellers have not been implemented, and the previous situation has in fact been made worse by the change of Government which occurred as a result of the 2010 UK General election. As this report will outline in more detail in each of the following sections, there have been a number of negative consequences following from the changes in Government policy which have either already been implemented by the new Government or are currently in the process of being implemented.

Central to this, the *Localism Agenda*, in which the UK Government are handing more responsibilities to local authorities, who will have greater decision making powers, we believe, will have a disproportionate effect on Travellers. This is because under the Localism Bill, local residents may oppose changes and for example, in the area of planning applications for Traveller sites, this will result in even greater exclusion of Travellers if decisions are made at local level. Therefore the lack of national strategies for Travellers will be made even worse by the introduction of the Localism Agenda.

We believe that special measures, as prescribed by Article 1, paragraph 4 of ICERD and as explained in General Recommendation 32 is applicable in the sense that we argue that a national strategy is needed to ensure that the current situation is rectified in the sense of a national policy to advance the position of Travellers (particularly in relation to accommodation) and ensuring the current situation does not worsen further with the introduction of local decision making.

Additionally, the effects of a lack of a central strategy is particularly compounded by the lack of any consistent ethnic monitoring of Travellers across Government Departments despite the fact that they are classified as an ethnic minority group under UK law. As we will highlight in the following sections of the report, this has resulted in both an underestimation of the extent of discrimination in the absence of monitoring alongside a lack of provision of positive measures, particularly in relation to the criminal justice system and also in terms of employment and economic inclusion. We believe that alongside implementing a national inclusion strategy to improve the situation of Travellers, this must go hand in hand with the imposition of ethnic monitoring of Travellers at national level.

Furthermore, we are extremely concerned to note that combined with the lack of a national inclusion strategy and ethnic monitoring, this is made even worse by the lack of Governmental support which has often resulted in discriminatory policy statements being made by senior members of the Government in relation to Travellers. Quite apart from the specific discrimination experienced by Travellers (which will be detailed in the specific sections of the report) it is extremely worrying that Government statements rather than condemning the discrimination actually exacerbate the situation by using the unpopularity of Travellers in wider society, to make negative comments about Travellers for political point scoring purposes with the electorate. Members of the Government when referring to accommodation for Travellers, continually refer to the situation as “unfair”. The Prime Minister, David Cameron has used this argument, in one debate in the UK Parliament he said-

...I know he speaks for many people about the sense of unfairness that one law applies to everybody else and, on too many occasions, another law applies to Travellers. What I will do is arrange a meeting between him and the Secretary of State for Communities and Local Government so that they can look at what more can be done to ensure that we have real, genuine fairness for all communities in our country.²¹

These unjustified comments, have also been related to criticism of domestic human rights legislation in the UK, which the Conservative Party have used as a political tactic in criticizing Traveller policy in the run up to the 2010 election:

“...The Human Rights Act affects all the planning, eviction and enforcement decisions made by all public authorities, including councils and the police. It has made it more difficult and expensive to evict

²¹ David Cameron quote on Travellers 09 March 2011 <http://www.theyworkforyou.com/debates/?id=2011-03-09a.899.4>

*trespassers from private and public property, and has overridden planning law by allowing travellers to go ahead with unauthorised development. We will replace Labour's Human Rights Act with a new British Bill of Rights, which will help address these problems.*²²

Conclusion

Overall, it is clear that the current situation is very concerning because rather than taking positive measures to ensure an inclusion strategy is implemented to improve the position of Travellers, the Government is actually making the situation worse. Furthermore, as we have outlined we are extremely concerned about the new and impending policy changes linked to the Localism Agenda, which we fear will further exacerbate the exclusion and marginalization which Travellers already face.

Recommendations

- ✓ We urged the Government to adopt a national inclusion strategy and programmes to implement this, as recommended by ICERD in their previous recommendations which has still not been implemented. We call on the Government to ensure that such a national policy is adopted which would not be affected by the provisions in the localism Agenda.
- ✓ We recommend that the Government should ensure there is ethnic monitoring of Travellers across all Government departments.
- ✓ We urge the Government to immediately stop making divisive and discriminatory statements about the Travelling community which have the effect of further marginalizing and excluding the Travelling community from society.

²² Conservative Party: Open Source Planning Green Paper no. 14, 2010, at p. 18
<http://www.conservatives.com/~media/Files/Green%20Papers/planning-green-paper.ashx>

3. Accommodation and planning

2003 CERD recommendations:

Para 23...The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, inter alia, in their...poor housing conditions, lack of available camping sites

Para 24... Moreover, the Committee encourages the State party to submit in its next periodic report more detailed information on achievements under the State party's programmes aimed at...improving housing conditions among different ethnic groups.

Introduction

CERD raised concerns in relation to the discrimination faced by Travellers in accommodation and planning under Article 5 (v, iii) of the Convention. These concerns centred on the extreme shortage of accommodation for Travellers and the State's progress in proactively addressing this issue.

The UK's 2010 State report to the CERD Committee recognised the adverse impact that the continued poor provision of sites has on Travellers health, education and employment. The State's report to CERD pledged 'to drive to mainstream Gypsy and Traveller accommodation provision, through both its housing and planning policies, to ensure these communities are treated on an equal footing with the settled community generally.'²³

However, as this section will reveal, the State's progress in improving accommodation provision for Travellers has been very poor, and while small improvements were made under the previous Labour Government, the policies being implemented by the Coalition Government will almost certainly have an adverse impact on the provision of Traveller sites.

In considering these issues we will address 2 key points:

- **Continued discrimination and poor progress in accommodation provision**
- **Negative impacts of Coalition Government policy**

²³ UK, 2010, *Eighteenth to twentieth periodic reports of States parties due in April 2006*, p. 55

Continued discrimination and poor progress in accommodation provision

Gypsies and Travellers in the UK continue to face discrimination in the areas of planning and accommodation, specifically in the planning and provision of Gypsy and Traveller sites. The huge difficulties Gypsies and Travellers face in securing culturally appropriate accommodation is a central aspect of the multi dimensional deprivation which Gypsies and Travellers experience. Recent research by the Equality and Human Rights Commission (EHRC) and ITMB has found that unwilling local authorities, often unduly influenced by hostile local residents, are predominantly the reason why there has previously been a failure to deliver the required number of sites throughout UK.

Evidence of discrimination

Travellers in Britain have strong cultural traditions of mobility and caravan living. The UK is characterised by very detailed local authority control over development and the use of land and high levels of local community engagement in decision making about planning. A 2009 EHRC research report ascribed the main barrier to provision of Gypsy and Traveller accommodation as being:

‘the planning system and, more fundamentally, resistance from the sedentary population to the idea of new sites for Gypsies and Travellers.’²⁴

It is this very resistance from local populations that puts extreme pressure on local Councillors to dismiss or ignore the accommodation needs of Travellers living in their constituencies. For Travellers this has resulted in discrimination on accommodation issues through the democratic process in local authorities throughout the UK.

Such discrimination is evidenced in the 2011 report by ITMB *Planning for Gypsies and Travellers* where 40 out of a 100 local authorities (40%) who responded raised concerns about increased opposition by local communities to Traveller sites.

Evidence of poor progress in accommodation provision

Based on 2011 figures from the Department for Communities and Local Government 17 per cent (approximately 1 in 5) Gypsies and Travellers living in caravans in England are legally homeless in that they are living on unauthorised sites (land they own or have a legal right to occupy but for which they do not

²⁴ EHRC, 2009, *Inequalities experienced by Gypsy and Traveller communities: A review*, p. 24
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

have planning permission) or are on unauthorised encampments (land which they have no right to occupy, including the roadside).²⁵ The lack of security in where they live is a factor behind many of the other disadvantages from which Travellers suffer – including in education, training, access to health facilities and employment.²⁶

2010 research by the Equality and Human Rights Commission (EHRC) found that at recent approval rates it will take approximately 16 years to meet the immediate requirements identified in the nationwide Gypsy Traveller Accommodation Needs Assessments in England. However this figure rises to 27 years if temporary or personal planning consents are excluded²⁷ (and by then there will be further needs because of household growth within the Traveller communities).

ITMB's 2011 *Planning for Gypsies and Travellers* report found that Councils' targets for additional residential Traveller pitches (individual plots) had fallen by 52% from the 2,919 in the three published and emerging Regional Spatial Strategies to the 1,395 recognised by the authorities themselves.²⁸ The implication of such a large reduction in targets is that future provision of Traveller sites will be dramatically reduced.

Negative impacts of Coalition Government policy

Since the general election in May 2010 the Coalition Government have steadily abolished or removed the main policies put in place by the Labour Government to improve accommodation provision for Travellers. Two of these policies are referred to in the previous Labour Government's 2010 State report to the CERD Committee (as underlined):

'The Department for Communities and Local Government is promoting the delivery of new sites by encouraging proper assessment of Gypsy and Traveller need, to ensure that an informed and strategic approach can be taken, and that the planning system identifies land to meet these needs. All local authorities have completed assessments of need for Gypsy and Traveller sites, and progress is being made to ensure that this evidence informs up to date regional planning strategies identifying the number of pitches required in each area.'²⁹

²⁵ Department for Communities and Local Government, January 2011 *Caravan Count*
<http://www.communities.gov.uk/publications/corporate/statistics/caravancountjan2011>

²⁶ Equality and Human Rights Commission, 2009, *Inequalities experienced by Gypsy and Traveller Communities: A review*, p. 5-34
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf

²⁷ EHRC, 2010 winter, *Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in England and Wales: 2010 update*, Executive Summary p.4

http://www.equalityhumanrights.com/uploaded_files/research/qt_research_report_68_exec_summary_english.pdf

²⁸ ITMB, 2011, *Planning for Gypsies and Travellers: The Impact of Localism*, Executive Summary, p. 1 (these figures relate to research conducted in the East, South West and South East regions of England)

<http://www.irishtraveller.org.uk/wp-content/uploads/2011/06/ITMB-Planning-for-Gypsies-and-Travellers2.pdf>

²⁹ UK CERD report, 2010, *Eighteenth to twentieth periodic reports of States parties due in April 2006*, p. 55

The previous Labour Government had put in place detailed guidance on planning for Travellers through its *Circular 1/06, Planning for Gypsy and Traveller Caravan Sites*. It introduced a three stage process: establishing the evidence of need through Gypsy Traveller Accommodation Needs Assessments (GTANA); setting targets through Regional Strategies; and identifying sites at the local level. Although progress was very slow because of the complex process and the pressures on local authorities to resist provision, its policies were beginning to be effective. The proportion of Gypsy and Traveller permissions granted at appeals increased from 40% prior to the introduction of Circular 1/06, to 70% after it, though a majority of the approvals were temporary.³⁰ The proportion of Gypsy and Traveller caravans which were without planning permission fell from 21.3% in January 2007 to 16.8% 4 years later.³¹

The Coalition Government is replacing Circular 01/06 with 'light touch guidance', which will leave it to local authorities to define the level of local need. A nationwide coalition of UK Gypsy and Traveller organisation has stated that the new guidance 'will make things even worse in terms of insecurity, homelessness, unauthorised development, evictions, and community tensions.'³²

In July 2010, the Secretary of State for Communities and Local Government, Eric Pickles announced the revocation of Regional Strategies (RSs) in all regions of England through measures in the Localism Bill. This, along with numerous other measures in the Localism Bill will have an adverse impact on Gypsy and Traveller accommodation provision considering Travellers face discrimination on accommodation issues at the local level. ITMB would strongly emphasis that a strategic approach is essential to ensure Travellers do not face localised discrimination in planning decisions – a position supported by the Parliamentary Select Committee for The Department for Communities and Local Government (see Para. 2.5).

Evidence of discrimination under Coalition Government policy

There has been widespread concern at the implications of the loss of the strategic regional dimension to planning. In their report, *Abolition of Regional Spatial Strategies: a planning vacuum?* March 2011, the Parliamentary Select Committee for The Department for Communities and Local Government concluded that a number of strategic planning issues, including planning for Gypsies and Travellers need to be addressed at a larger than local level (paragraph 43 of their report). In regard to Gypsies and Travellers they concluded, paragraph 57:

³⁰ Richardson, J, 2011, *The Impact of Planning Circular 1/06 on Gypsies and Travellers in England*

³¹ Department for Communities and Local Government, January 2011 *Caravan Count*
<http://www.communities.gov.uk/documents/statistics/pdf/1932949.pdf>

³² ITMB et al, July 2011, Letter to The Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, *Time for a fair deal for Gypsies and Travellers*

*'Gypsy and Traveller sites are a contentious issue and without a statutory requirement for local authorities to provide sufficient sites, there is great concern that Gypsies and Travellers will not have adequate accommodation and that the new system of planning may discriminate against these communities. This means there is a problem both for those individuals without accommodation, and also for settled communities that have unwanted, unauthorised sites. Urgent action is needed by the Government to ensure that there is adequate permanent and transit site provision to meet the needs of Gypsies and Travellers by increasing both. We see little evidence that the abolition of RSS will do anything but hinder the resolution of problems relating to Gypsy and Traveller housing.'*³³

The Localism Bill (presently passing through Parliament) will give local communities far greater influence over planning decisions in their local area. There is a significant danger that without definite measures in the Bill to ensure Travellers rights to culturally appropriate accommodation are protected, communities will face increased incidences of discrimination and racism.

ITMB's 2011 *Planning for Gypsies and Travellers* report found that of the 100 local authorities who responded to the study, only one (1%) saw the Localism Bill as likely to make planning for Gypsies and Travellers easier, while 40 (40%) expected it to make it more difficult. 13 (13%) thought it would make no difference, 25 (25%) weren't sure and 15 (15%) said they weren't sure but also made comments indicating they thought it would be more difficult.

The ITMB report also found that 40 % of respondents specifically expressed concerns about increased local opposition to development for Travellers under a community based planning system. The strongest single message from the responses was the tension between how localism is understood by many local communities - which they can expect to have proposals they oppose rejected - and providing for Travellers' accommodation needs.

Conclusion

Travellers living in the UK continue to face unprecedented levels of discrimination on accommodation issues in contravention of the UK's specific obligations under Article 5 d (v), e (iii) of the Convention. Under the proposed policies of the Coalition Government (Localism Bill, light touch planning guidance) these levels of discrimination will most likely increase leading to further violations of Travellers Convention Rights to health, education and employment.

ITMBs 2011 report *Planning for Gypsies and Travellers* concluded that 'without major changes, the Coalition Government's proposed policies will make

³³ Select Committee for DCLG, March 2011, *Abolition of Regional Spatial Strategies: a planning vacuum?*
<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmcomloc/517/51702.htm>

accommodation provision for Gypsies and Travellers even worse.’³⁴ Lord Avebury, Secretary of the All Party Parliamentary Group for Gypsies, Roma and Travellers offered this summary of the Coalition Governments policy under the Localism Bill:

‘There is nothing in the Localism Bill to oblige local authorities to make provision commensurate with the need (for Gypsy and Traveller sites), or to cooperate with their neighbours where some are manifestly not pulling their weight...This (ITMB) study demonstrates the consequences of proceeding as if ‘localism’ were an article of faith. There is still time to think again on a matter that is of enormous concern to the most deprived and disadvantaged of all ethnic minorities.’

Recommendations

- ✓ Without major changes, the Government’s proposals in the Localism Bill and ‘light touch planning guidance’ will make accommodation provision for Gypsies and Travellers even worse. Planning for Gypsies and Travellers should be carried out at a wider than local level to prevent localised discrimination on accommodation issues.
- ✓ The Coalition Government should build upon the existing good practice of the Labour Government (e.g. regional planning for Gypsies and Travellers, Circular 1/06, Planning for Gypsy and Traveller Caravan Sites).
- ✓ The Government need to supply resources for training and community development to allow Gypsy and Traveller organisations to more effectively engage in the planning system
- ✓ The Government needs to develop a national strategy to improve accommodation provision for Gypsies and Travellers and to challenge the widespread discrimination which is the root cause.

³⁴ ITMB, 2011, *Planning for Gypsies and Travellers: The Impact of Localism*, p. 47 <http://www.irishtraveller.org.uk/wp-content/uploads/2011/06/ITMB-Planning-for-Gypsies-and-Travellers2.pdf>

4. Education

2003 CERD recommendations:

Para 23 The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, inter alia, in their... exclusion from schools

Introduction

CERD raised concerns in relation to the discrimination faced by Travellers in their exclusion from education. Under Article 7 'States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups.'

The UK's 2010 State report to the CERD Committee recognised that Travellers fail to achieve the minimum levels of literacy and numeracy and experience generally poor outcomes in education.

Traveller pupils are the lowest achieving groups within schools in the UK. Education is a key factor in addressing related issues in relation to health, child poverty and economic inclusion and the root causes of the wider socio-economic inequalities that Gypsy Roma and Traveller communities face.³⁵

In considering these issues we will address 3 key points:

- **Attainment, attendance and exclusion**
- **Negative changes under the Coalition Government**
- **New Coalition Government policies and initiatives**

Attainment

The 2010 Department for Education (DfE) research report *Improving the outcomes for Gypsy, Roma and Traveller Pupils* revealed a number of worrying trends in the education outcomes of Gypsy, Roma and Traveller pupils.³⁶ The Irish Traveller Movement in Britain's (ITMB) 2010 report *Roads to Success: Economic and Social Inclusion for Gypsies and Travellers* also revealed a high incidence of discrimination and bullying experienced by Gypsies and Travellers in school.³⁷

³⁵ 1 EHRC 2009, *Inequalities experienced by Gypsy and Traveller Communities*, Cemlyn, Greenfields, Burnett, Matthew and Whitfield for the Equality and Human Rights Commission, particularly pages 5-34

³⁶ DfE 2010, *Improving the outcomes for Gypsy, Roma and Traveller Pupils*: final report

³⁷ ITMB 2010, *Roads to Success: Economic and Social Inclusion for Gypsies and Travellers*, executive summary, p. v

The DfE report conducted a statistical analysis using the National Pupil Database and found that Gypsy, Roma and Traveller pupils usually attend schools with lower than average rates of achievement. The report found a high percentage of Gypsy Roma and Traveller pupils eligible for and claiming free school meals indicating a connection between poverty and disrupted educational experience. Gypsy, Roma and Traveller pupils also had the highest level of Special Educational Needs of all ethnic minority groups.

DfE study results showed that 41 per cent of Gypsy, Roma and Traveller pupils with KS2 but not KS1 SAT results (suggesting they had disrupted education), were in schools within the lowest quintile (1/5) of attainment. While an average of 73.5 per cent of all pupils reached Level 4 in English and Maths at KS2, only 22.5 per cent of Gypsy/Roma and 26.2 per cent of Irish Travellers succeeded in reaching level.³⁸

8.3 per cent of Gypsy Roma pupils achieved 5 A to C grades in their GCSE results while 21.8 per cent of Irish Travellers achieved the same grades in 2010. This compares with an average of 54.8 per cent for all pupils achieving 5 A to C grades in their GCSEs. The GCSE grades for Irish Travellers had improved dramatically (from 9.1 per cent in 2009 to the 21.8 per cent in 2010) and may be partly attributed to a stronger emphasis on vocational subjects in the GCSEs.

Attendance and retention

Evidence suggests that where Gypsy and Traveller pupils do transfer successfully to secondary school, they are likely to drop out or be excluded at some point before the statutory leaving age. The DfE report found that 20% of Gypsy, Roma and Traveller pupils fail to transfer from primary to secondary school. Just over half of the national cohort of Gypsy, Roma and Traveller pupils dropped- out of secondary school. The study also found that only 38% of Irish Travellers reach statutory leaving age. National data, published by the DfE, shows the average absence rate of Gypsy/Roma pupils. was approximately three times that of all pupils while for Irish Traveller pupils the rate was four times the national average.

The Irish Traveller Movement in Britain's 2010 report on economic and social inclusion for Gypsies and Travellers found that racist bullying acts as a barrier to participation in school with parents often removing children from schools when this occurs. Fifty five per cent of the sample of 95 interviewees experienced bullying and discrimination during their time in education.³⁹ This figure compares with one third of Black and Asian students who experienced racial discrimination at school, college or university and just 1 per cent of white students.⁴⁰

³⁸ DfE 2010

³⁹ ITMB 2010, Roads to Success: Economic and Social Inclusion for Gypsies and Travellers, executive summary, p. v
http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf

⁴⁰ Ibid

Enrolment and exclusion

National published data suggests there has been a 34% increase in the number of Gypsy/Roma pupils in Primary schools, and a 39% rise in the number of Gypsy Roma Secondary pupils since 2007. The increase in numbers of Gypsy/Roma is almost certainly due to growing numbers of Roma mainly from Romania and Slovakia.

It should be remembered that a very high proportion of Gypsy, Roma and Traveller pupils do not opt to identify themselves to the Gypsy/Roma and Traveller of Irish Heritage codes. The DFE (2010)⁴¹ study found that over two thirds of Gypsies and Irish Travellers, and 85% of Roma in the 2003 KS2 cohort, changed their ethnicity code in the following five years, compared to 20% of all pupils. In addition to this, Traveller Education Services involved in the study in the South East region, when asked to confirm the numbers of pupils identified in the schools census, suggested that the figures represented no more than half of the children they were supporting. That is only half identify to the codes and of those that do identify more than two out of three will change their ethnic code in secondary school. In that context the growth in numbers could be very significant.

Traveller Education Support Services have focused on encouraging transfer to secondary schools and preventing exclusion and drop out. Although the figures very significantly underestimate the numbers, they do indicate there is a gradual increase in participation in this phase. Without TESS inputs, it is likely that schools will fail to identify Gypsy, Roma and Traveller pupils and consequently fail to focus on their educational vulnerability. Traveller boys are much more likely to be excluded than any other ethnic minority group with a quarter of Irish Traveller boys being excluded in the course of an academic year.

Negative changes under the Coalition Government

In October 2010 ACERT and NATT+⁴² met with the Minister for Schools, Nick Gibb, to seek clarification on the Governments future support of Traveller education. The representatives sought to establish how key initiatives introduced by the previous Labour Government were viewed by the Coalition and how they might be built upon.⁴³

The Minister confirmed that the Home Access scheme (HAS) would no longer be available to support low income or mobile pupils, only those children with disabilities and SEN. Considering a high number of Gypsy and Traveller pupils claim free school meals and that many have semi-nomadic lives it follows that the removal of the HAS will have a disproportionate impact on Gypsy and Traveller pupils.

⁴¹ Improving Outcomes of Gypsy, Roma and Traveller pupils

⁴² Advisory Council for the Education of Romany and other Travellers (ACERT), National Association of Teachers of Travellers + Other Professionals (NATT+)

⁴³ Foster and Cemlyn 2011, Education, inclusion and government policy, p. 7

National Strategies are not being replaced and there is uncertainty as to whether its website and downloadable resources will continue to be available. This is especially relevant to materials from the Gypsy Roma Traveller Achievement Programme (GRTAP) which did much to develop good practice and disseminate it to schools nationally. The high quality materials the GRTAP produced represented an effective partnership between Local Authorities, TESSs, schools and communities. The Minister for School made no commitment to consider the findings of DfE 2010 research Improving the outcomes for Gypsy, Roma and Traveller Pupils despite the report providing the most detailed and up to date information on Gypsy Roma and Traveller outcomes in school.

Gypsy Roma Traveller History Month (GRTHM) will continue to be endorsed by the DfE, however, no funding will be available. Considering the wide success of GRTHM in promoting GRT culture and breaking down misconceptions and prejudices (which indirectly improves community cohesion and GRT experiences in schools) the removal of all funding for GRTHM will most likely have an adverse impact on GRT education outcomes.

Traveller Education Support Services

Whilst there is no government plan to dismantle Traveller Education Support Services (TESSs) ITMB can confirm that a disproportionate number of TESSs across England are being abolished or receiving significant cuts.

A recent survey by the National Union of Teachers found a third of local authorities have no identified support for the education of Gypsies, Roma and Travellers and in most other areas staff numbers have been reduced and roles have been restricted, and/or extended to other areas of support.⁴⁴

The NUT findings are supported by a June 2011 Freedom of Information request (FOI) that revealed nearly half of the councils with responsibility for local education in England have either abolished their Traveller education service completely or have drastically reduced the number of front-line staff.⁴⁵

New Coalition Government policies and initiatives

The pupil premium will provide schools with an extra £430 for every pupil on Free School Meals, looked after children and those whose parents are in the armed forces.⁴⁶ In practice pupils will not “benefit directly” since the pupil premium can be used however schools see fit, with schools being held accountable by OFSTED, applying a more “focused” approach, mainly concerned with attainment. For deprived pupils in non-mainstream settings (which in many may

⁴⁴ NUT (2010) On-line NUT survey November 2010 (unpublished)

⁴⁵ Doherty M, June 2011, City University, MA Dissertation

⁴⁶ DfE 2011, Pupil Premium – what you need to know <http://www.education.gov.uk/schools/teachingandlearning/premium/a0076063/pupil-premium-what-you-need-to-know>

include Gypsy Roma and Traveller pupils), it will be for the local authority to decide how to allocate the pupil premium.⁴⁷ In the context of the pupil premium, the Coalition has sought to preserve funding to schools at the expense of LA services. As a result the TESS network has suffered disproportionately from cuts to its services

The Education Endowment Fund (EEF) with a budget of £110 million will distribute money to local authorities, academy sponsors, charities and other groups that bring forward innovative proposals to improve performance in under-performing schools.⁴⁸ Gypsy, Roma and Traveller pupils, if they benefit at all, will only do so through the general improvement in the schools they attend.

Vocational education appears to be an area the government wants to develop following Michael Gove's commissioning Professor Alison Wolf to lead a review into pre-19 vocational education. The 2010 report by the Irish Traveller Movement in Britain on Traveller economic and social inclusion found that younger Gypsies, Roma and Travellers had a strong interest in vocational skills, and favoured experiential styles of learning. The survey found that 35% of their sample of 95 interviewees had experience of further or vocational education, and that the learning styles supported in post-school education were more acceptable to young people from these communities.⁴⁹ While the government has yet to produce substantive policy in this area it would seem to be an approach with potential to benefit these communities.

The Free Schools programme has been viewed by some community members and representative groups as an opportunity for Gypsy, Roma and Traveller children to attend schools where they might access a more relevant curriculum, appropriate learning styles and without being vulnerable to racist bullying or moral and cultural challenges. While Free Schools may provide opportunities for some Gypsy Roma Traveller communities (namely those who are academically more capable and geographically more concentrated) for the vast majority it would not. In general Traveller communities are quite dispersed, not well organised and have low education and literacy skills - all factors essential for establishing a free school.

The Education Bill (clause 30) will abolish various current duties on schools to co-operate with local authorities to improve children's well-being and be represented on local Children's Trust Boards. The Coalition emphasis on small government could undermine LAs ability to reach out proactively to excluded Travellers, which has resulted in the gradual improvement on secondary enrolment.

⁴⁷ Ibid

⁴⁸ DfE 2010, New endowment fund to turn around weakest schools and most disadvantaged <http://www.education.gov.uk/inthenews/inthenews/a0066416/new-endowment-fund-to-turn-around-weakest-schools-and-raise-standards-for-disadvantaged-pupils>

⁴⁹ ITMB 2010, Roads to Success: Economic and Social Inclusion for Gypsies and Travellers, p. 41 http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf

Conclusion

Despite the previous government's pro-active policies and the efforts of committed professionals, Traveller families still did not gain their full educational entitlement. In order for government measures to be effective in addressing these inequalities it is crucial that they acknowledge the complexity of the issue and the need for long term policies targeting Gypsy Roma and Traveller communities. Special measures, as prescribed by Article 1, paragraph 4 of ICERD and as explained in General Recommendation 32 are needed in order to rectify the position for Traveller children. It would be complacent of the Coalition Government to assume that its initiatives, the pupil premium, greater autonomy for schools and a focus on teaching and learning, will be more successful than previous policies and interventions. Continued monitoring and data analysis will be required to evaluate effectiveness, alongside partnership working with stakeholders to review and develop policies.

Recommendations

- ✓ We urge the Government to strengthen the Gypsy Roma Traveller Stakeholder Advisory Group so it has greater input into DfE policy and establish key performance indicators and a reporting schedule to enable the stakeholders to review progress made and advise how policy might be developed.
- ✓ Traveller Education Support Services (TESSs) have been recognised by the European Commission as a model of good practice in engaging with the education needs of Gypsy Roma Traveller communities.⁵⁰ ITMB recommend the government closely monitor the impact of financial restraint on TESSs to ensure that the impact of local authority cuts does not fall disproportionately on these educationally vulnerable, racial groups.
- ✓ Under their obligations in the 2011 EU Framework for National Roma Integration Strategies the government should set targets for improving the education outcomes of Gypsy Roma and Traveller pupils in both primary and secondary school.⁵¹ We call on the Government to make these targets in consultation with and scrutinised by the DfE Gypsy Roma Traveller Stakeholder Advisory Group.
- ✓ The Government should establish a fund to support specific work on improving Traveller education outcomes. Such a fund could be used to support Traveller Education Support Services or equivalent services where they are working effectively whilst also being used to develop new support structures where they do not exist or have failed.

⁵⁰ European Commission 2011, EU Framework for National Roma Integration Strategies up to 2020, p. 5
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:PDF>

⁵¹ Ibid

- ✓ Need for improved monitoring and research of Traveller pupils in the areas of Special Educational Needs (SEN), enrolment, attendance and exclusion. We suggest the government targets funds from the EFF or research funds towards improving these indicators. The DfE stakeholders group could have role in reviewing proposals and receiving interim and final reports.
- ✓ We welcome Local Authorities role as champions of vulnerable pupils. as described in the white paper The Importance of Teaching⁵² However, we are concerned that it has not been made explicit in the Education Bill and emphasise that the definition of vulnerable should include those who are highly mobile, have had disrupted or marginalised educational experiences, and who may be subject to discrimination.
- ✓ Whilst the DfE statement to continue endorsing Gypsy Roma Traveller History Month (GRTHM) is welcomed, the reality is that without any Government funding GRTHM will struggle to continue. Considering the wide success of GRTHM in promoting GRT culture and breaking down misconceptions and prejudices, as prescribed by Article 7 of ICERD, we recommend the Government supply minimal transitional funding for the continuation of the month until other steady funding sources are secured.

⁵² DfE May 2011, The Importance of Teaching: Schools White Paper: Local authorities acting for vulnerable pupils <http://www.education.gov.uk/b0068570/the-importance-of-teaching/new-schools-system/vulnerable-pupils>

5. Health

CERD 2003 recommendations:

23 The Committee expresses concern about the discrimination faced by Roma/Gypsies and Travellers that is reflected, inter alia, in their higher child mortality rate...shorter life expectancy...and limited access to health services.

Introduction

In the previous 2003 recommendations of the committee, the ICERD raised concerns raised in relation to three key areas of discrimination for Travellers in relation to health all of which will be addressed in this section alongside ethnic monitoring:

- **Ethnic Monitoring**
- **shorter life expectancy and general health outcomes**
- **Higher child mortality rate**
- **Limited access to services**

Ethnic Monitoring

Before considering the 3 areas of health identified in the previous CERD recommendations, it is important to consider one central factor which is key to understanding the nature of the other issues. This concerns the fact that there is no ethnic monitoring of Travellers nationally. Since statistical data are not currently collected within the National Health Service about the needs of Travellers, or the services they receive, this means that national data about the health of Travellers and their needs as well as the extent of the discrimination they encounter in relation to health are therefore not available. This means that any of the concerns we will make in the following subsections, based on studies are actually an underestimate of the extent of the problems, since we do not have the full national picture because of a lack of data.

Yet again, as we have identified in previous sections of this report, it is the lack of systematic ethnic monitoring across Government departments such as health which results in further discrimination, since the full needs of the community are unknown and therefore since they cannot be identified this results in a denial of the specialist provision that would be needed to rectify the situation. As will be seen in this section on health, it is very clear (despite limited evidence) that the position of the health of Travellers has not improved and is the lowest of all groups. As a result , we argue that specialist measures in the form of a national

Travellers Health Strategy as called for in a 2009 *Inequalities* report by the Equalities Commission is needed.⁵³

Furthermore, as the same report also called for, there is a pressing need for further research into specific health topics which impact on Travellers, since they are currently often excluded from research because of the lack of ethnic monitoring. In particular, the report called for specific research on the economic, social and environmental factors that contribute to poor health in Travellers.⁵⁴

Shorter life expectancy and general health outcomes

Despite a lack of availability of national data on the health status of Travellers, studies have found that the health status of Gypsies and Travellers is much poorer than the general population and also poorer than others in socially deprived areas⁵⁵. In relation to life expectancy, the Leeds Report has found that Travellers are dying 10 -12 years earlier than the average life span of a person living in Britain today.⁵⁶

Parry et al (2004) found that, even after controlling for socio-economic status and comparing to other marginalised groups, Gypsies and Travellers have worse health than others: 38 per cent of a sample of 260 Gypsies and Travellers had a long-term illness, compared with 26 per cent of age- and sex-matched comparators.⁵⁷ This situation has not improved and has not been supported by widespread Government intervention to rectify the situation as shown in the recent 2009 *Inequalities report* by the Equality and Human Rights commission.⁵⁸

Mental health

In relation to mental health, Gypsies and Travellers have been found to be nearly three times more likely to be anxious than others, and just over twice as likely to be depressed, with women twice as likely as men to experience mental health problems⁵⁹. The Sheffield Report findings have referred to the key factors causing high levels of depression in the Traveller community, the report finds that poor psychological health is often seen in the context of multiple difficulties for Travellers such as discrimination, racism and harassment, as well as frequent

⁵³ Equality and human Rights Commission, *Inequalities Experienced by Gypsy and traveller Communities: A Review (2009)*
http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf At p61

⁵⁴ Ibid.

⁵⁵ Parry et al (2004) *The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research*, University of Sheffield.

⁵⁶ Baker M, *The Leeds Baseline Census 2004-2005* (2005)

⁵⁷ Ibid

⁵⁹ Ibid

evictions and the instability caused by this.⁶⁰ As a 2008 report, has also found that poor quality or inappropriate accommodation as a result of forced movement inevitably exacerbates existing health conditions as well as leading to new problems.⁶¹

All of this is backed in in the latest study in the 2009 Equalities Commission *Inequalities Review*, which attributes the high cause of mental health problems within the Traveller community to a range of factors including the stresses caused by accommodation problems, unemployment, racism and discrimination by services and the wider.⁶² As the report argued, there is a great need for specific culturally appropriate co-counselling for depression and anxiety.⁶³

In addition, studies have also shown that alcohol consumption is often used as a coping strategy and drug use among Traveller youths is also widely reported and feared.⁶⁴ We believe that the wide scale extent of this problem is underestimated and believe that it needs to be identified and addressed in light of the growing tendency for such problems, linked to the on-going problems cause by the ever present threat of evictions. These particular problems are all interrelated to the other discrimination faced by Traveller youth as seen in other sections, linked to general marginalisation and more specific discrimination for example in education and employment. The resulting health problems, demonstrate the real need for a central national strategy which will address all of these issues at the cross departmental level.

Child Infant Mortality

In relation to child infant mortality the disparities between Travellers and the general population, are shown in the Leeds Report:

*They also experience an infant mortality, which is three times higher than the national average and are also eighteen times more likely to experience the death of a child.*⁶⁵

This is backed up by the findings of Parry et al (2004) who have also reported high rates of miscarriages and stillbirths. In relation to these issues, we believe these disparities are due to problems in accessing maternal healthcare, which are outlined below in the context of wider issues related to accessing health care generally. We urge the Government to ensure that funding is available for targeted programmes such as the Pacesetters programme which was implemented under the previous Government. Under the pacesetter programme,

⁶⁰ Van Cleemput, P. et al. (2004) *The Health Status of Gypsies and Travellers in England. Report of Qualitative Findings*. Sheffield: University of Sheffield.

⁶¹ Van Cleemput, P. (2008a) Health Impact of Gypsy Sites Policy in the UK. *Social Policy & Society*, 7 (1), pp. 103-17.

⁶² *Inequalities* (2009) cited above, at pages 55-56.

⁶³ *Ibid* at page 61.

⁶⁴ See also, Appleton, L. Hagan, T. Goward, P. Repper, J and Wilson, R. (2003) Smails's contribution to understanding the needs of the socially excluded: the case of Gypsy Traveller Women. *Clinical Psychology*. (24), 40-6, Bowers, J. (2004). Travellers' tales. *Health Service Journal* Dec. 114 (5936) 26-8 and Clohessy McGinley, A. (2002). Determining Factors Influencing Traveller Men to Access or Avail of Health Services: An Exploratory Study.

⁶⁵ Baker M, *The Leeds Baseline Census 2004-2005* (2005)

which had a specific Traveller health improvement strand implemented by the Department of health, ITMB were involved in a pilot programme which was concerned with community engagement between Travellers and health service providers in relation to maternity care. In the 2010 evaluation report. Cleemput and Bissell produced an evaluation of the Programme and highlighted the principle of community engagement as an essential component of any initiatives to improve health and access to health care.⁶⁶

Access to healthcare services

Despite greater health need as outlined above, Travellers use mainstream health services less than other members of the population, and there are a number of studies discussing the various reasons for this including:

- **Practical difficulties and address**
- **Discrimination**
- **Cultural factors**

Practical Difficulties

One of the main reasons why Travellers do not access health services has been attributed to the complex procedures for registering and accessing services.⁶⁷ The National Association of Traveller Health workers (NAHWT) suggested that

'The most common problem for Travellers is difficulty in accessing primary care through GPs because of their insistence in having a permanent address'.⁶⁸

Some GPs only register families as temporary residents, resulting in exclusion from a range of services, such as screening. Others allegedly refuse to register Gypsies and Travellers at all according to the NAHWT response.⁶⁹ NAHWT added that those who are mobile have the greatest problems. Enforced movement from evictions can result in discontinuity of care and interruption or delays in medical treatment.⁷⁰ The lack of a postal address can mean, in addition, that appointment letters are never received, leading to missing treatment.⁷¹

Discrimination

⁶⁶ Pacesetters Report, Sheffield University, May 2010.

⁶⁷ *Inequalities 2009, cited above.*

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Richardson, J. Bloxson, J. & Greenfields, M. (2007) *East Kent Sub-Regional Gypsy and Traveller Accommodation Assessment Report (2007-2012)*. Leicester: De Montfort University.

⁷¹ Greenfields, M. & Home, R. (2006) Assessing Gypsies' and Travellers' needs: partnership working and 'The Cambridge Project'. *Romani Studies*, 16 (2), pp. 105-31.

As the 2009 *Inequalities* review outlines, there are a number of recent studies which have reported Gypsies' and Travellers' fear of hostility or prejudice from healthcare providers and the ways in which this can impact on accessing or utilising services. Word-of-mouth reports of racist or intolerant attitudes expressed by both healthcare staff and receptionists are often perceived as refusing access to GPs, which further alienates the community from seeking medical care. Van Cleemput (2008) reported that:

*Gypsies' and Travellers' general experiences of discrimination and racism contribute to a sense of devalued identity, characterised by feelings of shame and humiliation, which contribute to the specific ways in which they central features of relationships and encounters with health staff, as personal reactions to these experiences can produce mutual mistrust and poor relations between staff and the Gypsy and Traveller patients.*⁷²

Cultural concerns

The *Inequalities* Review by the Equality Commission refers to considerable anecdotal evidence which exists to support the notion that many Travellers do not trust health professionals to provide appropriate care, or doubt their willingness to engage with community members on terms of equity. *Jesper et al* (2008) has also noted a lack of understanding of Gypsy and Traveller culture in hospitals. Interviewees reported that elderly patients admitted to hospital or hospice could feel threatened and scared by the lack of cultural familiarity. Many were unable to read and write but were sometimes reluctant to admit this which results in issues such as an inability to fill out menus or order food.⁷³

In addition, poor provision for visiting family members, cultural clashes with staff and other patients, distress experienced by people with limited literacy skills, and unfamiliarity with being inside bricks and mortar, all contribute to Gypsies and Travellers frequently choosing to discharge themselves early from hospital.⁷⁴

Many reports highlight the benefits of employing specialist health outreach staff to work with Travellers.⁷⁵ Nevertheless, the vast majority of Primary Care Trusts (PCTs) in England do not employ specific staff to help Gypsies and Travellers meet their health needs. Where there are large communities of Travellers and specific needs are identified, PCTs commonly add the responsibility for such work to the existing work of, for instance, health staff for ethnic minority groups, homeless people or asylum-seekers.⁷⁶ The 2009 *Inequalities* Review notes that

⁷² Van Cleemput, P. (2008b) *Gypsies and Travellers accessing primary health care: interactions with health staff and requirements for 'culturally safe' services*. PhD. (Unpublished). Sheffield: University of Sheffield, School of Health and Related Research.

⁷³ Jesper, E, Griffiths, F. & Smith, L. (2008) A qualitative study of the health experience of Gypsy Travellers in the UK with a focus on terminal illness. *Primary Health Care Research & Development*, 9, at p8.

⁷⁴ *Ibid.*

⁷⁵ Goward, P. Repper, J. Appleton, L. Hagan, T. (2006) Crossing boundaries. Identifying and meeting the mental health needs of Gypsies and Travellers. *Journal of Mental Health*, 15 (3), pp. 315-27.

⁷⁶ Parry et al 2004, cited above.

such an approach fails to recognise the unique health needs of the Gypsy and Traveller community.⁷⁷

Conclusion

In response to the urgent concerns that were raised by CERD in the last recommendations, it is clear that these concerns have not been adequately addressed in any meaningful or systematic way. Special measures are urgently required now to rectify the shorter life expectancies and general poorer health outcomes, higher infant mortality rate as well as specialist provision to increase access to health provision for Travellers.

Recommendations

- ✓ There must be implementation of ethnic monitoring of Travellers throughout the National Health Service
- ✓ There must be a high level strategy to address the multi-faceted poor health outcomes of Travellers which will be unaffected by the Localism Agenda.
- ✓ We recommend there must be culturally appropriate outreach programmes established to ensure that targeted provision is provided in a culturally appropriate way.
- ✓ We believe there should be sustained and widen scale support for initiatives that help Gypsies and Travellers to become health advocates, service providers and trainers within their own communities.

⁷⁷ Inequalities 2009, at page 71.

6. Employment and economic exclusion

2003 CERD recommendations:

Para 23 The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, inter alia, in their...high unemployment rate

Para 24... Moreover, the Committee encourages the State party to submit in its next periodic report more detailed information on achievements under the State party's programmes aimed at narrowing the employment gap...among different ethnic groups.

Introduction

CERD raised concerns in relation to the discrimination faced by Travellers reflected in their high unemployment rate. The Committee also sought more detailed information about the measures the State was taking to narrow the employment gap among ethnic groups.

ITMB believe the UK's 2010 State report to the CERD Committee fails to address the committee's concerns about Traveller unemployment, focused support programmes, discrimination in recruitment and the dearth of research and data on Travellers.

In considering these issues we will address 2 key points:

- **High levels of unemployment**
- **Discrimination in recruitment**
- **Child poverty**
- **Role of the UK Government**

High levels of unemployment

Gypsies and Travellers continue to suffer from high rates of economic and social exclusion. From 2003 onwards there have been reports of growing unemployment and welfare dependency amongst Gypsy and Traveller communities.⁷⁸ The Commission for Racial Equality (CRE) Gypsy and Traveller Strategy for England and Wales (2004) noted a lack of systematic data on Gypsy and Traveller employment. However, the CRE reported anecdotal evidence which indicated that 'unemployment is high among Gypsies and Travellers and few of the general programmes set up to tackle unemployment have initiatives or

⁷⁸ ITMB, 2010, *Roads to Success: Economic and Social Inclusion for Gypsies and Travellers*, p.5
http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf

schemes developed specifically for Gypsies and Travellers, who need training in practical skills as well as opportunities to obtain qualifications for skills they already have'.⁷⁹

It is recommended that the UK Government need to do more in counteracting this economic exclusion. In common with other (non-Gypsy/Traveller) sectors of society who experience deep social exclusion and deprivation, evidence is suggestive that there has been an increase in involvement in crime, alcohol and drug abuse amongst marginalised Gypsies and Travellers.⁸⁰ Special measures, as prescribed by Article 1, paragraph 4 of ICERD and as explained in General Recommendation 32 are needed in order to rectify the position for Travellers and ensure that their low employment prospects can be rectified.

A 2003 report by Professor Pat Niner for the Office of the Deputy Prime Minister (ODPM) found that managers on local authority Travellers sites reported that 'on seven out of 10 sites a minority of households work', with over one-third of site managers noting that less than 10 per cent of residents were in employment.⁸¹

Discrimination in recruitment

As was highlighted earlier in this report in section 2 on general discrimination, the pervading racism which cuts across all areas of life for Travellers is similarly reflected in the area of employment. The 2009 report by the Equalities and Human Rights Commission (EHRC) considered that anecdotal evidence and data from Gypsy Traveller Accommodation Needs Assessments (GTANA) across the UK indicates that Gypsies and Travellers who live on a site, or who are known to be members of local Gypsy or Traveller families, encounter discrimination when applying for paid work. Although hard evidence is (unsurprisingly) hard to come by, examples abound of people not being called for interviews or of jobs being mysteriously filled.⁸²

The 2010 report by Irish ITMB on economic inclusion, *Roads to Success* found that racist experiences negatively impacted across all areas of economic inclusion and on Traveller interviewee's educational, employment and training opportunities. The study found evidence that Traveller interviewees living on Traveller sites faced 'address based' discrimination with a number of interviewees referring to potential employers being unwilling to offer them jobs due to their place of residence.⁸³

⁷⁹ EHRC, 2009, *Inequalities experienced by Gypsies and Travellers: A Review*, p. 38.

⁸⁰ Power, C. (2004) *Room to Roam: England's Irish Travellers*. London: Community Fund <http://www.statewatch.org/news/2005/feb/Room-to-Roam-England%27s-Irish-Travellers.pdf>

⁸¹ EHRC, 2009, *Inequalities experienced by Gypsies and Travellers: A Review*, p. 38

⁸² *Ibid*, p. 40

⁸³ ITMB, 2010, *Roads to Success: Economic and Social Inclusion for Gypsies and Travellers* p.105 http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf

The ITMB report also found that 78 per cent of respondents had experienced racism in their adult lives. Such racist experiences negatively impacted on interviewee's educational, employment and training opportunities.⁸⁴

Child poverty

The 2010 Department for Education (DfE) report *Improving the outcomes for Gypsy, Roma and Traveller pupils* found a high percentage of Gypsy Roma and Traveller pupils eligible for and claiming free school meals indicating a connection between poverty and disrupted educational experience.⁸⁵ The 2010 ITMB report *Roads to Success* found evidence that the low educational attainment of Gypsies and Travellers in school has the result of making it harder for them to develop and maintain their own businesses and secure waged employment.

In 2009 the DWP published the report *Ethnicity and child poverty* focused on illuminating the extent to which ethnic minority children's poverty can be understood in terms of recognised risk factors that policy is already concerned to address.⁸⁶ ITMB would like to raise the committee's attention to the fact that Gypsies and Travellers were not included in this piece of highly relevant research – partly due to the DWP's failure to categorise them as an ethnic minority group.

In April 2011 the DWP and DfE produced the report *A New Approach to Child Poverty: Tackling the Causes of Disadvantage and Transforming Families' Lives* in response to their duty under the Child Poverty Act 2010. The report stated:

'Some groups of children are at particularly high risk of poor attainment and developmental outcomes, which can then feed through to poorer outcomes during and after transition into adulthood. This may be due to the barriers faced by children or by their parents. While progress has been made in narrowing gaps for some groups this hasn't gone far enough; large differences still exist. For example: Amongst Gypsy, Roma and Traveller children, Looked After Children and those with Special Educational Needs, educational attainment is unacceptably low...'⁸⁷

We believe that if the Government and the DWP are serious in their intention of tackling the high incidence of Gypsy and Traveller child poverty they must categorise Gypsies and Travellers as an ethnic minority and include them in all future research.

⁸⁴ Ibid, Executive Summary, p. vi

⁸⁵ DfE 2010, *Improving the outcomes for Gypsy, Roma and Traveller Pupils: final report*, Executive Summary, p. ii
<https://www.education.gov.uk/publications/eOrderingDownload/DFE-RR043.pdf>

⁸⁶ DWP, 2009, Research report No 576, *Ethnicity and child poverty*
<http://research.dwp.gov.uk/asd/asd5/rreports2009-2010/rrep576.pdf>

⁸⁷ DWP and DfE, 2011, *A New Approach to Child Poverty: Tackling the Causes of Disadvantage and Transforming Families' Lives*, p.18

Role of the UK Government

In order for the Government to effectively address the issues of high unemployment, discrimination in recruitment and child poverty it needs to establish more contact with and a better understanding of the Traveller communities. We call on the DWP and other relevant Government departments to develop greater engagement with Traveller communities, to officially recognise their ethnic status and include them in membership of the DWP Ethnic Minority Advisory Group.

Department for Works and Pension: Non-recognition of ethnic status

Gypsies and Travellers are not categorised as an ethnic minority group in the DWP despite being legally recognised as an ethnic minority group in UK law. The DWP presently categorise Gypsies and Travellers as a 'disadvantaged group' alongside Ex-Service Personnel and Ex-Offenders with responsibility for these groups falling under the DWP Labour Market Inclusion Division.

By not categorising Gypsies and Travellers as an ethnic group the DWP has not included them in a large body of DWP research focusing on ethnic minority groups. At the same time there has to date been no specific research conducted by the DWP's Labour Market Inclusion Division (LMID) on Gypsies and Travellers (however there are presently proposals for a small piece of research).

Considering in 2004 the Commission for Racial Equality (CRE) noted a dearth of systematic data on Traveller employment, ITMB recommend that the DWP include Travellers as an ethnic minority in all future research.

Membership Ethnic Minority Advisory Group (EMAG)

The Ethnic Minority Advisory Group (EMAG) provides advice to Government on issues related to the disadvantage individuals from ethnic minority backgrounds face in relation to the labour market. At the time of writing there was no Traveller representation on EMAG which is reflected in the group making no reference to the discrimination and disadvantage Travellers face in the labour market.

We strongly recommend that EMAG includes Travellers in its membership and proactively engages with these communities to ensure their economic inclusion.

Conclusion

Travellers in the UK continue to face high levels of economic exclusion in contravention of the UK's specific obligations under Article 5 e (i) of the Convention. In order to effectively address these issues, we call upon the Government to develop focused support programmes to tackle high

unemployment, discrimination in recruitment and the dearth of research and data on Travellers.

Recommendations

- ✓ ITMB urge the Government to develop a national strategy to address the high rates of economic and social exclusion suffered by Travellers.
- ✓ We strongly recommend the DWP categorise Gypsies and Travellers as an ethnic minority group
- ✓ We urge the Government to conduct detailed research on Gypsies and Travellers experience in the labour market and access to employment.
- ✓ Whilst ITMB welcomes the DWP plans to conduct a limited number of customer insight sessions with the communities, it remains crucial that Gypsies and Travellers are included as an ethnic minority in all relevant future research.
- ✓ Gypsies and Travellers should be represented on the Governments Ethnic Minority Advisory Group (EMAG)
- ✓ The Governments Ethnic Minority Employment Task Force (EMETF) and EMAG should take the lead in focusing on Gypsy and Traveller employment issues.

7. Media

2003 CERD recommendations:

Para 12. The Committee also reiterates its concern over the fact that the State party continues to uphold its restrictive interpretation of the provisions of article 4 of the Convention. It recalls that such interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention and draws the State party's attention to the Committee's general recommendation XV according to which the provisions of article 4 are of a mandatory character. In the light of the State party's recognition that the right to freedom of expression and opinion are not absolute rights, and in the light of statements by some public officials and media reports that may adversely influence racial harmony, the Committee recommends that the State party reconsider its interpretation of article 4.

Para 13. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue. The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations. The Committee further recommends that the State party include in its next report more detailed information on the number of complaints of racial offences received as well as the outcome of such cases brought before the courts.

There were multiple concerns raised by CERD in relation to the media under Article 4 of ICERD in terms of increasing racism targeting ethnic minorities and the ineffectiveness of mechanisms dealing with this. In considering these issues we will address 4 key points:

- **Government refusing to intervene**
- **Ineffectiveness of press complaints Commission**
- **Government officials (local and national) fuelling racism**
- **Impact on Traveller community of racist reporting in the media**

Government refusing to intervene

Government role

Government Policies dealing with racist prejudice play an important role in the prevention of racism. Now that the UK is bound by the ECHR under the terms of the HRA the provisions of Article 10 will regulate the rights in relation to freedom of expression. The right to freedom of expression though exceedingly important

is not an absolute right. Both the words of the Convention and the jurisprudence of Commission and the Court show that restrictions are permissible.

It is right that domestic law requires a balance, but compliance with ICERD requires at least that there are adequate mechanisms to ensure that such a balance is struck. We believe that this is not happening. The Government recognises the negative impact of racism in our society and has demonstrated its commitment with both civil and criminal legislation and considerable resources.

It is therefore a matter of urgent and continuing concern that these gains are constantly undermined by the government's negative general approach to Irish Travellers as a "problem". Hostile media coverage of Traveller issues is exacerbated by regular Government briefing of the media. Senior ministers have chosen to release hostile position statements on Traveller issues in newspapers with a strong anti-Traveller position. For example, the guidance by the Secretary of State for Communities and Local Government Eric Pickles who gave a warning to all local councils about the threat of Travellers moving onto their authorities during May bank holidays, which was briefed to the media.⁸⁸ This approach completely contradicts the CERD recommendation in 2003 that the UK Government "*intensify its efforts to counter racial tensions generated through asylum issues, inter alia by...promoting positive images of ethnic minorities.*"

This creates an atmosphere in which the Government are condoning non justified and indiscriminate verbal attacks on the Travelling community thereby giving an implicit approval for society at large, and the media to do the same.

The media

The role of the media in spreading prejudice against Travellers in the UK is a very serious concern. Gypsy and Travellers are frequently presented in a negative light in the mainstream media. The tabloid press is a particularly frequent source of these misrepresentations, and often depicts Gypsies and Travellers as being troublemakers.⁸⁹ These messages are racist and xenophobic, and research has indicated that the targeting of minority groups in the media has led to these groups being violently attacked.⁹⁰ Highly offensive language continues to be used in referring to the Gypsy and Traveller communities without always being deemed unacceptable by the press, statutory bodies and the wider public.⁹¹ Headlines such as the Sun newspapers "Stamp on the Camps" and "War on Gypsy Free for All" were all deemed by the Crown Prosecution Service (CPS) not to incite racial hatred, because no direct link could be found between the reported acts of racial abuse following the reporting and the reports themselves.⁹²

⁸⁸ <http://www.telegraph.co.uk/news/politics/8446122/Eric-Pickles-gypsies-could-take-advantage-of-Royal-Wedding-bank-holiday-to-set-up-illegal-camps.html>

⁸⁹ ECRI UK Report http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united_kingdom/GBR-CbC-IV-2010-004-ENG.pdf

⁹⁰ ECRI UK Report http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united_kingdom/GBR-CbC-IV-2010-004-ENG.pdf

⁹¹ ITMB media monitor <http://www.irishtraveller.org.uk/media/>

⁹² Richardson & Ryder, 2009, Stamp on the Camps, p. 13

Anecdotal evidence from the Irish Traveller Movement in Britain's online media monitor indicates that the majority of coverage of Gypsies and Travellers in the UK media is negative and is dominated by the issue of accommodation. Related to this, we recommend that a practice guidance note is issued by the Press Complaints Commission to all editors on Travellers (see further discussion of press complaints commission next section).

We share the concern outlined in the government's report that this is a problem not unique to the printed press, but one which concerns the media more generally. The Press Complaints Commission itself has raised concerns about non-mainstream websites and user-generated content, where discrimination and racist comments are fairly common-place.⁹³

The Government's periodic report states that a Cohesion and Faith Unit, based in the Department for Communities and Local Government, established a media practitioners group in 2003 to advise the press on promoting community cohesion and which also considered guidance for online media.⁹⁴ Unfortunately the Cohesion and Faith Unit has now been disbanded with the change of government, and the Media Practitioners Group has gone with it. Therefore we recommend (in addition to reforms of the PCC below) that there also urgently must be the formation of a new media practitioners body both to advise on coverage of all ethnic minorities but also a specific group tasked with coverage of Travellers specifically in light of the pervasive nature of the negative reporting and racist coverage of Travellers in the media.

Ineffectiveness of the Press Complaints Commission

The Press Complaints Commission (PCC) has been regularly accused by consumers, commentators, politicians and academics of being a toothless watchdog which protects newspaper editors rather than the public.⁹⁵ The PCC has been criticised for not being proactive enough, for its punishments not being severe enough and for issuing too few censures on newspapers.

Due to the fact that it is not constituted as a public body under the Freedom of Information Act, the PCC can keep a low profile and its actions cannot be scrutinised by journalists or the wider public.⁹⁶ Individuals may lodge complaints with the Press Complaints Commission regarding breaches of this Code, but unlike broadcasting and advertising it cannot accept third-party complaints.

In 2007, the Press Complaints Commission ratified a new Editors' Code of Practice for newspaper and magazine publishing in the UK. This required that the press "must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness of disability", and that "details of an individual's race, colour, religion, sexual

⁹³ Council of Europe report http://www.pcc.org.uk/assets/111/CoE_Diversity_Final_report_En_181209.pdf

⁹⁴ Government report page XX

⁹⁵ Guardian <http://www.guardian.co.uk/media/2009/mar/30/press-complaints-commission-pcc>

⁹⁶ Guardian <http://www.guardian.co.uk/media/2009/mar/30/press-complaints-commission-pcc>

orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story”.⁹⁷

However the PCC only recognises racist reporting made against a specific individual, not groups. ‘Collective’ racism referring to whole groups is not recognised by the Code of Practice. The code has remained unchanged despite the Equality and Human Rights Commission (EHRC) recommending that the PCC should revise its rules to allow for class/group complaints to be made. We believe that the PCC fundamentally needs to change its code of practice in order that complaints against entire groups can also be made. This is particularly relevant for the Traveller community due to the nature of the racist comments made which are almost exclusively made against the Traveller community as a whole as opposed to actually naming individuals.

Complaints to the Press Complaints Commission

CERD notes in paragraph 13 that the UK Government should include in its next report ‘more detailed information on the number of complaints of racial offences received as well as the outcome of such cases brought before the courts’.⁹⁸ Data on the number of complaints received by the Press Complaints Commission is currently available on the PCC website in the form of monthly summaries of complaints received and decisions taken.⁹⁹ The Press Complaints Commission received over 7,000 complaints in 2010, with the vast majority relating to inaccurate or misleading reporting.

Just over one in ten (750) were judged to raise a likely breach of the Editor’s Code of Practice. Significantly, over half of all cases were not pursued or otherwise ruled as beyond their remit.¹⁰⁰ We do not know how many of the complaints not pursued by the PCC relate to race-related issues, although we do know that 3.3 per cent of cases judged by the PCC to have merit related to discrimination.

Whilst it is possible to search for cases on the PCC website¹⁰¹ which apply to the relevant clause (Clause 12 on Discrimination) and by using key words, statistics on actual numbers of cases relating to racial offences particularly related to Irish Travellers and their outcomes are not readily available.

The Government states in its Periodic report that it has ‘no role in the Press Complaints Commission, nor does it wish to do so, as that would interfere with freedom of the press’. Whilst we believe strongly in the freedom of political speech and public debate, it is not an absolute right which has no limits. Values such as promoting respect and equality and challenging prejudice against minorities are also fundamental democratic values that the government should seek to uphold. The right to freedom of speech must not be abused in the competition for readers and viewers, by exploiting racial or religious prejudices.

⁹⁷ Editors’ Code of Practice for newspaper and magazine publishing in the United Kingdom, clause 12, Discrimination

⁹⁸ 2003 Concluding Observation 13

⁹⁹ www.pcc.org.uk

¹⁰⁰ PSS Annual report 2010 <http://www.pcc.org.uk/review10/statistics-and-key-rulings/complaints-statistics/key-numbers.php>

¹⁰¹ http://www.pcc.org.uk/advanced_search.html

Other bodies have also expressed concerns, such as the UNHCR, which has noted that the Guidance needed strengthening and the Joint Committee on Human Rights which concluded that the “evidence we received from the PCC was not reassuring. Its existing system is not sufficiently robust to protect...vulnerable minorities from the adverse effects of unfair and inflammatory media stories.”¹⁰² It is vital that the government take an approach towards the media which strikes a better balance between freedom of speech and coercing the media to abide by rules of engagement that do not stir up prejudice or encourage racial discrimination. Given that the PCC has failed to regulate itself, the Government should intervene more directly and establish an independent regulator

Impact on Traveller community of racist reporting in the media

In terms of the impact of the racism in the media, we have become aware of a worrying increase in bullying experienced by children who are suffering taunting. This was particularly clear to us in the aftermath of the airing of the “Big Gypsy Wedding” channel 4 documentary series which portrayed Irish Travellers in a sensationalist light, and was subsequently reported on, in a similar fashion, by all major newspapers in the UK.

We believe that the Government has a responsibility to actively intervene and take action through awareness raising campaigns to counter the negative and harmful images presented in the media of Travellers. We would further emphasise the need for preventative steps to be taken to ensure younger generations do not inherit the same prejudices from their parents towards Travellers which results in bullying. This could be implemented through introduction into the national curriculum of education on Traveller culture and traditions.

Recommendations

- ✓ The Government should immediately stop the practice of making unfair and defamatory comments which are released to the press and which inflame the already negative reporting of Travellers in the media.
- ✓ We urge the Government to increase pressure on the media to ensure that it does not propagate negative images of Irish Travellers which contribute to a climate in which hostility and prejudice can flourish. In addition, the Government needs to take a more active role in countering these prejudices, and should encourage responsible, accurate reporting which promotes a better understanding of Travellers.

¹⁰² Joint Committee on Human Rights, *op. cit.*, paragraph 364.

- ✓ The Government should consider developing a multi- stakeholder group made up of media practitioners, representatives from press, local authorities and Traveller groups, tasked with developing new strategies to combat racism against Travellers in the media and to produce new guidance on reporting of Travellers.
- ✓ The Government should also consider supporting media monitoring projects such as the ITMB media monitor which seeks to take an active approach in holding the press complaints commission to account on complaints related to racist media coverage.
- ✓ The Government should create an independent press complaints Commission. The current PCC has a clear conflict of interest in the protection of newspaper Editors and has failed to self regulate the media appropriately. The UK Government should reverse its view that the media can effectively self regulate. In addition, the Government should exert pressure on an existing/new PCC to take a more proactive stance when receiving complaints about offensive coverage of Travellers.
- ✓ Ensure a new code accept complaints from third parties and also ban collective racism which targets whole groups in addition to individuals.
- ✓ We recommend that in light of the widespread harm cause by racist reporting of Travellers in the media, the Government must intervene through implementing an awareness campaign and teaching on Traveller culture should be introduced into the national curriculum to counteract negative reporting of Traveller in the press.

8. Hate crime and criminal justice

2003 CERD recommendations:

18. While the Committee welcomes the initiatives taken for further reforms within the police force, including enhanced representation of ethnic minorities, it recalls its previous concerns about the disproportionately high incidence of deaths in custody of members of ethnic or racial minority groups. The Committee invites the State party to submit in its next periodic report detailed information on the new police complaints system; the new Police Complaints Commission (IPCC) which will be fully operational from April 2004; the number of complaints involving racial discrimination referred to IPCC, including deaths in custody; and the outcome of these complaints as well as the disciplinary measures taken in each case. It also encourages the State party to adopt measures conducive to integrating the different ethnic and racial representation within the police force.

19. The Committee is concerned that a disproportionately high number of “stops and searches” are carried out by the police against members of ethnic or racial minorities. The Committee encourages the State party to implement effectively its decision to ensure that all “stops and searches” are recorded and to give a copy of the record form to the person concerned. The Committee invites the State party to address this issue in more detail in its next periodic report.

Introduction

In the 2003 recommendations, CERD made recommendations in the area of criminal justice in 2 key areas referring to concerns about treatment against ethnic minorities as a whole: in relation to deaths in custody and in relation to stop and search. We would like to broaden these issues of criminal justice to consider a wider range of specific concerns in relation to treatment of Travellers throughout the various stages of the criminal justice system:

- **Lack of ethnic monitoring of Travellers and hate crimes**
- **General criminalisation of Traveller communities**
- **Discrimination at Trial stage**
- **Concerns in custody**

Lack of ethnic monitoring of Travellers and hate crimes

There is a wide range of issues related to the criminal justice system and the treatment of Travellers, involving discrimination at all stages of the process and perceived criminalisation of the community, all of which will be discussed in the following sections. However, central to all of these issues is an overriding concern relating to the lack of ethnic monitoring in relation to Travellers throughout the criminal justice system. This is critical, since we believe that the

discrimination Travellers experience is even more widespread than the concerns which we will be raising in these sections. As there is currently no ethnic monitoring within the criminal justice system, possible systematic abuses may go unrecorded and concerns which are currently documented are vastly underestimated.

The lack of categorisation of Travellers as an ethnic minority group is despite the fact that they are an ethnic minority group in UK law. This, as has been highlighted in the section on employment, is widespread policy across many government departments, such as is the case for example, the practice of the Department for Work and Pensions. It is recommended that in relation to the criminal justice system, that the National Offenders Management Service (NOMS) should ensure the implementation of an ethnic monitoring category for Travellers in line with the 2011 Census.

Hate Crime recording

In addition, the Irish Traveller Movement in Britain is aware of numerous cases which we have dealt with, involving incidences of race hate crime against Travellers. These occur as a result of the general culture in the UK which is highly prejudiced against Travellers. Examples of such incidences of race hate include frequent cases where Travellers enter establishments such as restaurants and pubs where staff have refused to serve them for the sole reason that they are Travellers. Often in such incidents, the establishments will explicitly refer to the fact that it is because they are Travellers and other times it will be more implicit. In relation to these incidents of race hate, we have become aware that when the Travellers report the incidents to the police, the police frequently do not record the incidents as race hate crimes, and merely log them as an incident of civil dispute between two private parties.

This is unacceptable, when the incidents are clearly racially motivated, and we believe that this is systemic practice by the police. We urge the UK Government to take action to ensure that incidents of race hate are clearly treated as hate crime incidents and also recorded in the system as such, specifically referring to Travellers, in order that we may be aware of the full extent of the situation.

In wider terms, Incitement to racial hatred is outlawed by the Public Order Act 1986. Under sections 18 to 22 it is a criminal offence to use threatening, insulting or abusive words or behaviour, or to publish or distribute material or engage in performances, recordings or broadcasts with the intention of stirring up racial hatred. However, prosecution requires the assent of the Attorney General and few prosecutions are brought in relation to any ethnic minority group. According to the Equalities and Human Rights Commission, in their 2009 Inequalities Review, they are not aware of any cases in relation to Gypsies and Travellers. Sections 28-32 of the Crime and Disorder Act 1998, introduced into law the notion of racially aggravated offences, for which increased penalties were applicable. These include assault, grievous bodily harm, damage to property, provocation and harassment.

However, in the case of the murder of 15 year-old Irish Traveller Johnny Delaney in Liverpool in 2003, the court did not find that it was a racially aggravated offence, despite evidence to the contrary, which has been raised by the Equalities and Human Rights Commission who have noted that there were a number of witnesses able to testify to the racist comments shouted during the fatal attack. The chair of the Commission for Racial Equality (CRE) at the time commented that 'it is extremely hard to see how this particular killing wasn't motivated in some way by racial prejudice'¹⁰³

In relation to less serious but nonetheless hurtful offences, Gypsies and Travellers rarely report racially-based offences against them.¹⁰⁴ In light of this, we urge the Government to take action both in the correct ethnic monitoring/recording of hate crimes against Travellers as well as ensuring that subsequent legal action is taken to prosecution in such cases which are clearly racially motivated, which would in turn instil confidence in Travellers to come forward and report crimes.

General criminalisation of Traveller communities

In the context of widespread hostility towards Irish Travellers evident in the media and in public policy, it appears that this has translated into a general criminalisation of the entire community. This criminalisation takes a number of forms.

In particular, the problems often initially stem from the fact that by lacking legal places to stop and establish temporary or permanent camps, since the Government are not provided the adequate number of authorised sites (see section on accommodation) it means Travellers are frequently living in unauthorised camps and, by definition, outside the law and thus its protections.¹⁰⁵ As a report by the NGO Friends families and Travellers has noted

*"Although nomadism and unauthorised camping are not, in themselves, illegal, the effect of legislation has been to criminalise a way of life."*¹⁰⁶

Thus, the perception by society (as facilitated by the media) is that the entire community are not law abiding citizens because of the encampments. However, this perception of criminality extends to other areas wider than evictions, and it is documented that there are perceptions within the police and the settled community that Travellers are responsible for disproportionately high rates of crime and anti-social behaviour in general.¹⁰⁷ This perception is backed up by a 2009 report by the *Ministry of Justice Access to Justice: A Review* which found

¹⁰³ Greenfields, M. (2006b) Gypsies, Travellers and legal matters. In C. Clark, & M. Greenfields, eds. *Here to Stay. The Gypsies and Travellers of Britain*. Hatfield: University of Hertfordshire Press, pp. 133-81. p. 158

¹⁰⁴ James, 2007, as reported in *Inequalities*, EHRC, 2009 at p149

¹⁰⁵ Ministry of Justice, *Access to Justice: a review of existing evidence of the experiences of minority groups based on ethnicity, identity and sexuality*, Ministry of Justice, May 2009 at p32.

¹⁰⁶ Friends Families and Travellers (2007) at p5.

¹⁰⁷ Richardson, J. (2005) Policing Gypsies and Travellers. In *Housing Studies Association Conference*. Lincoln: University of Lincoln.

evidence that there were unfounded perceptions that Gypsy/Travellers were responsible for disproportionately high rates of crime.¹⁰⁸ However such presumptions are unfounded. A Department for Communities and Local Government (DCLG) report makes it clear that:

While there may be individual elements in the Gypsy and Traveller community that may be involved in such [anti-social] behaviour, there is absolutely no substantive evidence that the level of such behaviour is any more significant than in other groups, or in the population as a whole. (Department for Communities and Local Government, 2009, p.15)

Significantly, the report goes on to suggest that the negative perception of Traveller sites is reinforced through prejudicial media attention:

...the reporting of cases where such activity does take place can sometimes lead to a misconception that all Gypsies and Travellers are involved in criminal or antisocial behaviour. That is not the case at all. Indeed, Gypsies and Travellers are often the victims of such behaviour, or at the receiving end of racist behaviour or language. (Department for Communities and Local Government, 2009, p.15)

In light of the above statements, we are extremely concerned to note the totally unjustified and discriminatory subsequent publication by the Department for Communities and Local Government of *Guidance on managing anti-social behaviour related to Gypsies and Travellers*¹⁰⁹ which was published a year later in 2010 in the run up to the UK elections. This document at the outset notes that the Traveller communities have a very low proportion of anti-social behaviour on a par with other communities but nonetheless according to the Government, the document has been produced because of the so called particular nature of anti-social activities within the Traveller community.

We believe this is a totally unfounded and discriminatory attack on the Traveller community aimed to target the community as a political tactic in the run up to the elections with the sole purpose of winning votes. This behaviour by the Government, in condoning and promoting unjustified targeting of Travellers compounds and makes worse, the activities by the media in criminalising the community.

Related to the perceived criminalisation of the community by both the media and Government, it appears that this is also evident in the perceived heavy-handedness of the police in their contacts with the Traveller community which is perceived as disproportionate. For example, the Irish Traveller Movement in Britain has recorded numerous examples of indiscriminate police raids in which an entire Traveller site is besieged and searched or roadblocks set up in pursuit of a single individual on a site. This would not occur in a similar housing estate

¹⁰⁸ *Access to Justice*, 2009 cited above, at p32

¹⁰⁹ <http://www.communities.gov.uk/publications/housing/anti-socialbehaviourguide>

with the settled community and such practices are a result of local police policies aimed at targeting entire Traveller communities in a locality.¹¹⁰

Another experience of police harassment is the use of stop and search powers which is an issue for many ethnic minority communities.¹¹¹ Limited evidence based on small scale studies has found disproportionate experience of stop and search in interviews with Irish Travellers.¹¹² However, because Travellers are not identifiable from police statistics, other national research using such data has not been possible. Derbyshire Gypsy Liaison Group conducted their own survey of a sample of Travellers, accessed through contacts and networking with organisations. Out of 525 questionnaires that were distributed, 370 were completed and returned (a response rate of 71 per cent). All those who responded had been stopped and searched in the last few months, some more than once, while a third of the sample had been stopped more than once on a single day.¹¹³

In light of the extensive nature of a variety of techniques and policies which have resulted in criminalising the Traveller community, it is recommended that there needs to be urgent action taken by the Government to counteract this. The Government needs to regulate policies and issue guidance to local police authorities in order that policing actions do not disproportionately discriminate against the Traveller community. However, these concerns run much deeper than police practice. The perceived criminalisation of the community is very closely linked to the pervasive negative media coverage of Travellers at national and local level, which as we have discussed above in the section on the media, this requires urgent attention by the Government in both regulating media coverage and also positive action from the Government to promote a fairer and more positive portrayal of Travellers.

Discrimination at Trial and sentencing stages

In addition to a general perception of criminality of the Traveller community, we are additionally concerned by perceptions of this manifesting in negative treatment of Travellers who then enter the criminal justice system. The 2009 report by the *Ministry of Justice Access to Justice: A Review* found evidence of discriminatory treatment throughout the criminal justice system – ranging from the courts, to prisons and the probation service.¹¹⁴

Discriminatory treatment by the police in dealing with Travellers is widely acknowledged.¹¹⁵ In a recent research report, John Coxhead, a police officer himself, has discussed the institutional nature of discriminatory attitudes in the police towards Gypsies and Travellers, at management as well as frontline level.

¹¹⁰ See also, *Inequalities Review* cited above, which notes the frequent reports of blanket raids on groups of Travellers at p152.

¹¹¹ See *Inequalities Review* at p152 and also Delsol, R. & Shiner, M. (2006) Regulating stop and search: a challenge for police and community relations in England and Wales. *Critical Criminology*, 14 (3),

¹¹² Power 2004, cited above.

¹¹³ As reported in *Inequalities Review* at p152.

¹¹⁴ At page 31.

¹¹⁵ See for example, *Access to Justice*, 2009 cited above and EHRC *Inequalities* 2009, both cited above.

The pervasive and aggressively proactive nature of this prejudice is summed up in the words of one officer in his study: '*prejudice towards Travellers in the police is not only accepted, it's expected*'.¹¹⁶

Beyond discrimination by the police, at the trial stages, it is well documented that both Travellers within the (youth) secure estate and (adult) prison system are disproportionately remanded into custody pending trial, less likely to receive bail and more likely to receive custodial sentences.¹¹⁷ Linked to this, the Irish Council for Prisoners Overseas (ICPO), an Irish Government funded body which provides advice and welfare services to Irish prisoners in Britain has recorded a significant number of cases in which the ethnic identity of a defendant has been alluded to by either a judge or the prosecution. As a defendant's ethnic background has little or no bearing on his or her guilt or innocence, it seems apparent that such allusions are designed to create guilt by association with a supposedly criminal group.

Linked to this, the lack of a permanent address often leads to the denial of bail, and other disadvantages related to aspects of the sentencing system which is geographically organised. The perceived inability of sanctions to be enforced upon a mobile or nomadic person, therefore often leads to punitive and custodial sentencing, in cases where it is apparent that a custodial sentence would not be imposed in relation to an identical offence committed by individuals from other ethnic backgrounds.¹¹⁸

Additionally, as many Irish Travellers have poor literacy skills and have often had little interaction with bureaucratic institutions, the charges, proceedings and sentencing processes are often unintelligible to defendants from this ethnic background. In many instances, Irish Traveller defendants are bemused observers at their own trials unaware and uninformed of the serious proceedings that will transform their lives.

We are very concerned by these practices which we believe are impacting upon the right of Travellers to receive the fundamental right of access to justice. We urge the Government to take action both in terms of training of the judiciary as well as the Crown prosecution Service.

Concerns in custody

The Irish Chaplaincy in Britain's report *Voices Unheard* found that Irish Travellers represent up to 1% of the entire prison population in England and Wales.¹¹⁹ Although there are no accurate figures for the Irish Traveller population living in Britain, using the highest estimates of this population, Irish Travellers appear to be massively over-represented within the overall prison population. In contrast with 15 other ethnic categories, despite the high visibility of Travellers in many

¹¹⁶ Coxhead, J. (2007) *The last bastion of racism*. Stoke on Trent: Trentham Books at p. 47.

¹¹⁷ Power, C. (2004) *Room to Roam: England's Irish Travellers*. London: Action Group for Irish Youth.

¹¹⁸ Ibid.

¹¹⁹ Mac Gabhann C, *Voices Unheard: A study of Irish Travellers in Prison* (2011) http://www.iprt.ie/files/Voices_Unheard_June_2011.pdf

prisons, and NOMS' expressed concern over Travellers in prison, there are, at the date of publication of this report, no official figures for the population of Travellers. As a result, the substantial number of racist incidences and prejudicial treatment reported by Traveller prisoners involving staff and prisoners is officially unrecorded.¹²⁰

In 2003, the Commission for Racial Equality (CRE) expressed concern regarding the treatment of Irish Travellers in prison:

“Failure area: Access to goods, facilities or services...Prisoners with low literacy skills had difficulty adapting to prison life and accessing prison services. In the case of Irish Travellers, this is compounded by prejudice and discrimination, leading to high levels of self-harm.”¹²¹

The review of this CRE report, *Race Review* (2008), by the National Offender Management Service, (NOMS), found that serious problems remained regarding the treatment of Irish Travellers in prison:

“Overall, the Review Team [conducting the inquiry] was concerned that, five years on from the CRE report, there was still a lack of recognition in the establishments visited of the issues facing White minority groups and therefore no strategy in place to tackle these. Particular concerns relating to Gypsy Traveller Roma prisoners included: difficulties accessing services, including offender behaviour programmes, as the literacy level required was too high, derogatory and racist name calling primarily by prisoners, and by some staff, in two of the prisons visited, lack of confidence in the complaints system and the lack of cultural awareness and understanding of staff.”¹²²

The 2008 *Race Review* expressed a hope that the improved monitoring of Travellers would improve access to the services and facilities which make possible a prisoner's rehabilitation:

...the majority of establishments do not record how many Gypsy Traveller Roma prisoners they have in their population. The Review Team found no monitoring of these groups...and Gypsy Traveller Roma prisoners complained that they did not feel their needs were considered¹²³...Given the lack of ethnic monitoring of Gypsy Traveller Roma prisoners in most establishments, further work is needed to ensure equality of access to goods, facilities and services for this group. A priority area both nationally and locally is to ensure that the needs of Gypsy Traveller Roma prisoners are addressed.¹²⁴

More worrying, evidence has also been found demonstrating that some discriminatory treatment by prison officers has led to double prejudice against Travellers due to their ethnicities both as Irish and as Travellers. There are also some indications that the concerns of the Irish community in general are ignored

¹²⁰ Ibid at p.22

¹²¹ Commission for Racial Equality (CRE), *Race Equality in prisons: A formal investigation* (2003) at p83.

¹²² NOMS, 2008, p.59

¹²³ NOMS, 2008, p.59

¹²⁴ NOMS, 2008, p.61

within the criminal justice system.¹²⁵ Overall, the absence of ethnic monitoring of Travellers in prison means de facto there is no recognition of their distinctive custody and rehabilitative needs.

Apart from the direct evidence of racist incidents in prisons and discrimination, we are concerned with the fact that the specific cultural needs of Travellers are not being taken into account within Prisons. *Voices Unheard*, a 2011 research study has been published outlining a number of the concerns (a snapshot of the key findings are reproduced below).

This study has clearly identified a number of areas where the denial of recognition of the particular needs of the Traveller community has in effect resulted in further indirect discrimination as a consequence. One example is the emphasis within prisons on written applications to access educational, rehabilitative, social and resettlement services within prison means that Irish Traveller prisoners (the group with the lowest levels of literacy skills in prison) are deprived of many of these benefits within prisons. The study found that 60% of Traveller prisoners have serious difficulties with reading and writing which means they cannot access education courses because they cannot read; cannot complete rehabilitation programmes because they cannot write; and cannot file grievances because they cannot complete forms.

Overall, we believe that the current system is failing Travellers, first in terms of direct discriminatory practices which are occurring and secondly, in meeting the

Mac Gabhann 2011- Travellers in Prison, Key findings and concerns:

Traveller way of life unrecognised by prisons-

- refusal of compassionate release for funerals of family members on grounds of ethnicity- 'you can't be released because you come from a large Travelling family and so the police think there's a risk you'll abscond...'
- refusal of Home Detention Curfew (HDC) (a normal part of prisoner progression) on grounds of type of habitation – i.e. a Traveller site (including a local authority site which fulfils all legal requirements for HDC)
- Imposition of licence conditions upon release from prison which forbid returning to a Traveller site and instead impose sedentary accommodation.
- No overall strategy from NOMS regarding the monitoring and treatment of this prisoner group.
- No provision of Traveller groups, prisoner representatives or policies for working with this distinctive group in most prisons. unlike many other groups.

cultural needs of Travellers within the prison system which also has the effect of indirectly discriminating against Traveller prisoners. These are major concerns which have been identified a number of years ago and still have not been addressed by the UK. As the Ministry of Justice has itself admitted, there is little evidence of positive policy and practice in this area.¹²⁶

¹²⁵ Power, C. (2004) *Room to Roam: England's Irish Travellers*. London: Action Group for Irish Youth.

¹²⁶ *Access to Justice*, 2009 cited above at p32.

Recommendations

- ✓ We urge the Government to ensure there is full ethnic monitoring of Travellers across the entire spectrum of the criminal justice system.
- ✓ We are extremely concerned that the UK is not categorising racist incidents encountered by Travellers as race hate crimes and believe this must be implemented without delay.
- ✓ We urge the Government to ensure that the CPS brings cases where there is clear evidence that race hate crimes have occurred.
- ✓ We recommend that the Government withdraw the guidance issued on anti social behaviour of Travellers which is unfounded.
- ✓ We urge the Government (including all of the Government Ministers) to stop making statements which have the effect of criminalising the Travelling community which is also completely unjustified.
- ✓ We believe the Government should take action to address the perceived bias and discriminatory practices evident by the police and judicial system towards Travellers.
- ✓ We urge the Government to address discrimination in the prison system directed at Travellers and to ensure a specific strategy is in place, recognising the cultural needs of Traveller prisons.

9. Article 14 right of individual petition

2003 CERD concerns and recommendations

Para 28. The Committee notes that the State party is currently reviewing the possibility of making the optional declaration provided for in article 14 of the Convention and invites the State party to give high priority to such a review and to give favourable consideration to making this declaration.

Although the UK is a party to CERD it has not been fully incorporated into UK domestic law nor does a right of individual petition arise from any breach of their terms by the UK. UK courts will consider UN Conventions including CERD, but they are not bound by them unless there is a specific statutory requirement to do so. This does not exist in relation to CERD.

We are particularly disappointed that the Government continues to refuse to make a declaration under ICERD Article 14, in order to allow individual petitions to be made under the Convention, especially as the equivalent declaration in relation to CEDAW has been in force since 2005. These rights of individual petition would provide an important enforcement mechanism.

We do not agree with the reasoning provided in the 2010 Government periodic report that the Government remains to be convinced of the added practical value of this, since the Government believes there is already effective legal mechanisms in place domestically. As this report has highlighted, in relation to Irish Travellers, there is not an effective domestic legislative framework protecting the equivalent rights guaranteed under ICERD. The incorporation of ICERD domestically is needed to ensure these rights are guaranteed and enforced with particular urgency for the Irish Traveller communities in the UK.

Recommendations

- ✓ The Government should make a declaration under Article 14 of the ICERD to allow individuals the right of individual petition to the Committee.
- ✓ The Government should ensure that the rights and obligations are fully incorporated into UK law, requiring the Courts to take account of the ICERD provisions.

10. Appendix

Case study: Dale farm Briefing



Irish Traveller Movement in Britain

The Resource Centre, 356 Holloway Road, London N7 6PA

Tel: 020 7607 2002 Fax: 020 7607 2005

Email: info@irishtraveller.org.uk

www.irishtraveller.org

DALE FARM: BASILDON COUNCIL'S EVICTION OF A TRAVELLER COMMUNITY



An Irish Traveller Movement in Britain Briefing

March 2011

Introduction

In the coming months (April – May 2011) the largest eviction of Gypsies and Travellers ever undertaken in the UK could result in the forced removal of up to 300 residents – mainly women and children – from Dale Farm Travellers site. On Monday 14th March Basildon Council voted to issue 28 day eviction notices to Dale Farm residents living on plots without planning permission. However, the leader of Basildon Council, Tony Ball emphasised that the 28 day notices would not be acted upon until all possible site identification is exhausted with the Traveller representative.

Background

- Dale Farm is situated in the greenbelt outside Crays Hill, Essex, and is the largest Traveller site in the UK with approximately a hundred individual properties made up of family plots and yards. However, even if the eviction goes ahead much of the community would remain – some 45 plots have planning permission – the eviction would focus on the 51 plots without planning permission – occupied by 70 – 80 families and up to 300 people.¹
- The unauthorised pitches at Dale Farm were the subject of a complex series of planning applications, enforcement notices and appeals. In January 2009, the Court of Appeal confirmed the legality of Basildon Council's enforcement action and authorised the eviction. The Dale Farm residents were refused leave to appeal to the House of Lords, meaning the legal process with regard to the planning process had been fully exhausted.²
- In December 2009 Basildon Council appointed bailiffs to carry out the eviction. It is ITMBs understanding that the Council intended to evict in 2010 but were delayed because of a court hearing related to re-housing duties– indeed in summer 2010 they did evict families from 8 plots at nearby Hovefields Drive, Basildon.

Key points

1. Children and vulnerable people
2. Cost of evictions
3. Accommodation and homelessness
4. Human Rights and statutory duties
5. The way forward

¹Save Dale Farm
<http://dalefarm.wordpress.com/about/>

²Equality and Human Rights Commission, Summary of Dale Farm legal process, 2010

1. Children and vulnerable people

- Up to 150 children would be subject to an eviction of Dale Farm. There are also a number of vulnerable adults on site who would be severely affected by possible enforcement measures.
- The Deputy Children's Commissioner has recently expressed serious concerns about a possible eviction at Dale Farm stating that Basildon Council has 'no plan proposed for ensuring that the health, welfare, education, housing and other needs of the children involved will be protected.'³

'A forced eviction can be a threatening and frightening experience for children. There is a fear of someone taking your parent away, taking your home away, or of people you care about being hurt.'

Children's Society, 1998

4

- The Deputy Children's Commissioner also expressed grave concerns over the conduct of the bailiff company Constant & Co. (working on behalf of the Council) and Police at the previous eviction of Travellers at Hovefields Drive carried out in June 2010. (see appendix A)⁵

2. Cost of evictions

- Various figures have been quoted in the press about the costs of the operation – the minimum cost would be £3M for the eviction contract and £5M for the police. The maximum could double both these figures.⁶
- These eviction costs come at a time when Basildon is attempting to slash 6.4 per cent from its budget resulting in approximately 100 council staff losing their jobs and half a million pounds being cut from services for disabled people and repairs to community centres.⁷

Local authorities spend around £18 million a year of council tax payers' money evicting Gypsies and Travellers from unauthorised sites.

Commission for Racial Equality, 2006

8

³ Deputy Children's Commissioner letter to Basildon D.C., Children's Commission, 11 March 2011

⁴ Children's Society, 1998, Children's Participation Project, *My Dream Site*. Midsomer Norton

⁵ Deputy Children's Commissioner letter to Basildon D.C., Children's Commission, 11 March 2011

⁶ Basildon Borough Council Meeting, Agenda Documents for 14 March 2011, TRAVELLER SITE CLEARANCE: DALE FARM CRAYS HILL

<http://www.basildonmeetings.info/mqConvert2PDF.aspx?ID=29344>

⁷ Basildon Echo, 16 December 2010, *Basildon Council to shed a 100 staff and cut service*

http://www.echo-news.co.uk/news/local_news/8739399.Basildon_Council_to_shed_100_staff_and_cut_services/

Basildon Echo, 17 January 2011, *Basildon Council cuts target disabled services*

http://www.echo-news.co.uk/news/8792420.Basildon_Council_cuts_target_disabled_services/

⁸ Commission for Racial Equality, 2006, 'Common Ground Report'

- The cost of supplying alternative site provision for the residents of Dale Farm would be considerably less than the total cost of the eviction (including police costs).⁹

3. Accommodation and homelessness

- It is important to remember that those Travellers on Dale Farm threatened with eviction actually own the land that they are living on. The reason for eviction relates to them not have planning permission to develop this land.
- Any eviction of Dale Farm will leave many Traveller families homeless and result in an increase in unlawful encampments in Basildon and elsewhere in the UK. Basildon's eviction of the Hovefields Drive site in June 2010 resulted in a number of Traveller families (including two pregnant mothers and a child with learning difficulties) being repeatedly moved on by Police (under section 61 of the Criminal Justice Act) in the days following the eviction.¹⁰

20 per cent of the East of England's Gypsies and Travellers living in caravans are officially categorized as homeless.

Department for Communities and Local Government, January 2010

11

- The 2009 Essex Gypsy and Traveller Accommodation Needs Assessment (GTANA) carried out by Fordham Research highlighted that Basildon had a requirement to provide 81 additional residential pitches by 2011. To date Basildon has disputed this figure.¹²

At the current rate of pitch provision it will take local authorities in England 16-27 years to meet the Gypsy Traveller pitch requirements set for a 5 year period.

Equality and Human Rights Commission, Winter 2010

13

http://www.equalityhumanrights.com/uploaded_files/gypsies_and_travellers.pdf

⁹ Based on HCA figures of provision at £140,000 per pitch in the East of England (provision for Dale Farm residents would most likely be considerably less)

<http://www.homesandcommunities.co.uk/public/documents/CIH%20Eastern%20-%20Naisha%20Polaine%20-%20101110.pdf>

¹⁰ Essex Human Rights Clinic and Dale Farm Housing Association, Dale Farm E-bulletin Autumn 2010

http://www.essex.ac.uk/human_rights_centre/hrc/documents/dale_farm/Dale%20Farm%20E-bulletin%202nd%20Issue.pdf

¹¹ Department for Communities and Local Government, January 2010

<http://www.communities.gov.uk/publications/corporate/statistics/caravancountjan2010>

¹² Essex Gypsy Traveller Accommodation Needs Assessment, 2009, p. 81

¹³ Equality and Human Rights Commission, 2010, Executive Summary, p. viii

http://www.equalityhumanrights.com/uploaded_files/research/tr68_gt_web_version.pdf

4. Human Rights and statutory duties

- Basildon has a specific duty under Article 8 of the Human Rights Act 1998 and the European Convention to respect Gypsies' and Travellers' right 'to private and family life' including the 'home' (Human Rights Act 1998). In the case of *R (Price) v Carmarthenshire CC*¹⁴, the judgement referred to the ECtHR case of *Chapman v UK* :

'...in order to meet the requirements and accord respect, something more than "taking account" of an applicant's gypsy culture is required. As the Court in *Chapman* stated, respect includes the positive obligation to act so as to facilitate the gypsy way of life'.¹⁵
- The planned eviction raises concerns under Section 10 (2) of the Children's Act 2004 which requires that action taken by public authorities should improve the well-being of the children. Furthermore, it is clear that this duty lies with the local district council authority Basildon according to Section 10 (4) (a).¹⁶
- The Chairperson of the UN Committee on the Elimination of Racial Discrimination (CERD) has urged the UK Government to suspend the Dale Farm eviction until an adequate solution is achieved. The UN also urged the Government to guarantee the protection of residents housing rights and to abide by its obligations under international Human Rights law.¹⁷
- The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities recently visited Dale Farm to evaluate the situation. It is more than likely that such attention will highlight the issue at the European and international level.¹⁸

5. The way forward

"Dale Farm residents are willing to move, at no cost to Basildon, but need the Council to identify suitable land,"

Richard Sheridan, Dale Farm resident and chair of the Gypsy Council.

- There are alternatives to eviction which can result in a long term sustainable solution to the present situation.

¹⁴ *R (Margaret Price) v Carmarthenshire CC* [2003] EWHC 42 Admin.

¹⁵ *Ibid*, para 19

¹⁶ Children Act 2004, Section 10 (2), (4) (a)

<http://www.legislation.gov.uk/ukpga/2004/31/section/10>

¹⁷ Letter to UK Government from Chairperson of the UN Committee on the Elimination of Racial Discrimination 12 March 2010

¹⁸ Telegraph 13 March 2011, European human rights Monitors back: illegal traveller camp

<http://www.telegraph.co.uk/news/uknews/8379023/European-human-rights-monitors-back-illegal-traveller-camp.html>

- ITMB believes that Basildon and Dale Farm residents should reopen the mediation dialogue which was previously facilitated by the Equality and Human Rights Commission (EHRC). In the previous mediation meetings the EHRC reported that Dale Farm residents were open and willing to engage in the process of finding a lasting solution.
- The previous EHRC meetings went some way towards working effectively with a range of agencies to identify alternative sites. However, the mediation process broke down around the time the coalition Government was elected. This was partly due to the Governments withdrawal of the Traveller Sites Grant. Following the spending review the Traveller Sites Grant has been reinstated.
- The previous mediation meetings focussed on land in the ownership of the Homes and Communities Agency (HCA), which as the successor to the Commission for the New Towns, has significant landholding in Basildon. ITMB believe there is still the opportunity to identify suitable HCA land which could meet the accommodation needs of the Dale Farm residents.
- There are also opportunities for making alternative provision for Dale Farm residents through Community Land Trust (CLP) initiatives – an area which is already being looked into by representatives for Dale Farm.

**Appendix A: Deputy Children's Commissioner letter to Basildon D.C.,
Children's Commission, 11 March 2011**



Bala Mahendran
Chief Executive
Basildon Borough Council
The Basildon Centre
St. Martin's Square
Basildon
Essex
SS14 1DL

Thursday 10 March 2011

Dear Bala,

Eviction of travellers at Dale Farm

I have, over the past 2 years, had intermittent correspondence with Basildon District Council regarding the eviction of travellers at Dale Farm. My particular concern has been to ensure that the welfare and well-being of children will be protected during any eviction process. I am most grateful to Dawn French, Head of Corporate Services, for forwarding me a copy of the report which is due to be considered by the Council on Monday 14 March.

I note that, other than a reference (page 12) to Essex County Council having responsibility for vulnerable children, there is no plan proposed in the report for ensuring that the health, welfare, education, housing and other needs of the children involved will be protected. Given that the eviction is now imminent, I would be grateful if your office could inform me of what steps are being taken to ensure that these matters will be addressed. This includes the safeguards being put in place during the process of eviction to ensure that no child is harmed whilst the bailiffs are carrying out enforcement.

I am particularly concerned by reports about the circumstances of the eviction of travellers at Hovefield Drive on 29 June 2010 and trust that action is being taken to ensure this

experience is not repeated. I understand that the bailiff company Constant and Co. (Bedford)

Ltd, arrived at 7.30 am, giving residents one hour to pack up and leave. At about 8.00am lowloaders arrived bearing three heavy digger machines and very quickly began demolishing the site. I am informed that no written advance warning of the arrival of the bailiffs on that day was given to any residents in the community. Similarly no warning signs were displayed that demolition would take place and no safety fencing was erected, although such fencing was brought to the site and left piled on the ground. I have been further informed that no attempt was made by either Constant and Co or police officers to warn children and adults away from the demolition site after work had started. I have seen photographs of children in potentially dangerous situations during this process.

I am copying this letter to Dave Hill, Executive Director of Schools, Children and Families as I appreciate that the County Council has the statutory responsibility for children's care, education and well-being. However, under the Children Act 2004 (S10) Basildon District Council is under a duty to cooperate with the top tier authority in order to promote children's well-being.

I would therefore be grateful if you could inform me of the steps being taken to protect and promote the well-being of children both during the process of the eviction as well as in its aftermath.

Yours sincerely,

A handwritten signature in black ink that reads "Sue Berelowitz". The signature is written in a cursive, flowing style.

Sue Berelowitz
Deputy Children's Commissioner/Chief Executive

Appendix B: Letter to UK Government from Chairperson of the UN Committee on the Elimination of Racial Discrimination 12 March 2010

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Téléfax: (41-22) 917 90 08
Télégrammes: UNATIONS, GENEVE
Télex: 41 29 62
Téléphone: (41-22) 9179193
Internet: www.ohchr.org
E-mail: gh@ohchr.org



Address:
Palais des Nations
CH-1211 GENEVE 10

REFERENCE: GH/48

Geneva, 12 March 2010

Excellency,

I write to inform you that in the course of its 76th session, the Committee considered the situation of the Romani and Irish Traveller community of Dale Farm, County of Essex, under its early warning and urgent action procedure, in light of information submitted by a non-governmental organization. According to that information, the Romani and Irish Traveller community is at risk of a pending eviction, which may imply a violation of their rights under article 5 (e) (iii) of the Convention on the Elimination of all Forms of Racial Discrimination.

The Committee notes that the local council, Basildon District Council, has served a number of enforcement notices concerning some 90 families, comprising of approximately 300 persons, including many children, elderly and infirm. As the enforcement notices were not complied with, the Council has undertaken legal action, which was upheld by the Court of Appeal on 22 January 2009. Moreover, on 10 December 2009, Basildon District Council selected the private bailiff company Constant and Co. (Bedford) Ltd to undertake planning enforcement action. According to the information before the Committee, this company has been responsible for past rough evictions of other communities, allegedly resulting in destruction of private property and racist conduct, drawing subsequent criticism from the High Court.

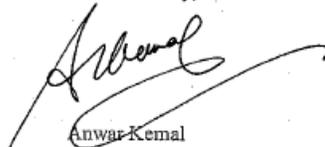
The Committee expresses its concern about the information presented above and would be grateful for an urgent clarification of the situation. The Committee also wishes to urge your Government and its institutions to consider suspending any planned eviction until an adequate solution is achieved, with meaningful participation of the Dale Farm community, to guarantee protection of their housing rights, including the provision of suitable and adequate alternative accommodation. It furthermore recommends that a comprehensive survey or risk assessment be conducted to study the immediate and long term adverse social and economic effects of this eviction, especially for the most vulnerable, including children, before any further action is undertaken.

Might your Government decide to nevertheless proceed with the intended eviction, the Committee recommends that the same should be carried out in a humane manner, in accordance with international human rights law, and to designate alternative sites that are adequate, suitable for relocation, and compatible with the culture and traditions of the people affected. It also wishes to draw the Government's attention in this regard to its General Recommendation No.27 on Discrimination against Roma.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response before **31 July 2010**.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of the United Kingdom, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal
Chairperson of the Committee on the
Elimination of Racial Discrimination

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