

Friends Families and Travellers submission to the Runnymede Trust Civil Society Monitoring Report 2021: Convention on the Elimination of Racial Discrimination (CERD)

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Introduction

The following submission draws on the previous 2016 CERD Committee recommendations on Gypsy, Roma and Traveller communities in relation to; education, accommodation, race hate and steps taken to address discrimination in these areas. The submission provides evidence on the UK Government's progress with implementation and makes recommendations to the UK Government.

National Strategy to address the inequalities experienced by Gypsies, Roma and Travellers

Relevant CERD recommendation

The Committee recognised in their 2016 Concluding Observations of the UK review that Gypsies, Roma and Travellers face exclusion and discrimination across key areas of life including, health, education, employment, accommodation and experience widespread discrimination within the media and wider public sphere. The Committee recommended the Government implement a comprehensive strategy to address this wide ranging discrimination faced by Gypsies, Roma and Travellers in the UK¹.

Overview of the situation and Government position

In response to the Women and Equalities Parliamentary Select Committee inquiry into inequalities experienced by Gypsies, Roma and Travellers², the Government announced its commitment to implement a cross-departmental strategy to address this in June 2019³. However, to date no visible progress has been made on the Strategy, with no published Plan or Strategy outlining any aims, lines of accountability or timelines.

The Government have failed to implement the Committee's 2016 recommendation to develop a strategy to address the wide-ranging discrimination and exclusion faced by Gypsies, Roma and Travellers. This lack of action is in conflict with Article 2 of the Convention.

Recommendation

- The UK Government should take steps to urgently fulfil their commitment to implement a cross-departmental strategy to tackle entrenched inequality and improve the lives of Gypsy, Roma and Traveller communities.

¹ Para 25 (a) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

² <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/full-report.html>

³ <https://www.gov.uk/government/news/new-national-strategy-to-tackle-gypsy-roma-and-traveller-inequalities>

Gypsy and Traveller site provision & eviction powers

Relevant CERD recommendations

The Committee's 2016 Concluding Observations included a recommendation for the UK Government to prioritise the adequate provision of culturally appropriate accommodation and stopping sites for Gypsies and Travellers⁴.

The Committee issued a further recommendation in their 2016 review of the UK, instructing the Government to ensure the rights of Gypsies and Travellers are not adversely effected by the 2015 Planning Policy for Traveller Sites change in definition of a Traveller, including those who have ceased to travel permanently⁵.

Overview of the situation and Government position

Despite the existence of 'Planning Policy for Traveller Sites' (PPTS), the policy designed to specifically address the accommodation needs of Gypsies and Travellers, the national shortage of culturally appropriate accommodation for Gypsies and Travellers persists^{6,7,8}. Research demonstrates that the majority of local authorities are failing to comply with requirements on land allocation for site provision under PPTS⁹.

The situation has deteriorated, with a dramatic reduction of assessed need for more pitches based on the revised 2015 planning policy definition of a Gypsy or Traveller. A significant proportion of Gypsies and Travellers are now excluded from the planning policy definition, regardless of ethnic status.

The Government are also proposing hostile legislation which seeks to criminalise Gypsies and Travellers living on encampments¹⁰. The proposals seek to criminalise trespass and introduce tougher police powers to evict from encampments and to seize family's caravans/homes. This poses a direct threat to the rights of Gypsies and Travellers to lead a nomadic way of life.

The Government have failed to implement the Committee's recommendations to take steps to mitigate the negative impact of the change in the Planning Policy for Traveller Sites definition or to prioritise the provision of Gypsy and Traveller sites and stopping places. This, and the proposals to introduce tougher police powers conflict with Articles 2 and 5 (e) iii of the Convention.

Recommendations

- The UK Government should abolish proposals to criminalise trespass and quash plans to strengthen police powers.
- The UK Government should reintroduce pitch targets and a statutory duty onto local authorities to meet the assessed need for Gypsy and Traveller sites.
- The UK Government should amend the 2015 Planning Policy for Traveller sites definition of a Traveller to include all Gypsies and Travellers who need a pitch to live on.

⁴ Para 25 (b) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

⁵ Para 25 (d) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891229/Traveller_caravan_count_2020_stats_release.pdf

⁷ <https://www.gypsy-traveller.org/wp-content/uploads/2017/12/Lack-of-Increase-in-Affordable-Pitches-Dec-2017-Report.pdf>

⁸ https://www.gypsy-traveller.org/wp-content/uploads/2021/01/Availability-of-pitches-on-Traveller-sites-in-England_FINAL.pdf

⁹ <https://www.gypsy-traveller.org/planning/no-place-to-stop-only-8-of-68-local-authorities-in-south-east-england-have-identified-enough-land-for-travellers-to-live/>

¹⁰ <https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments>

Monitoring /addressing hate crimes & incidents against Gypsies, Roma and Travellers

Relevant CERD recommendation

The 2016 Committee recommendations on hate crime and speech called on the Government to collect disaggregated data on hate crimes, improve monitoring processes and to meaningfully include those groups affected in this process¹¹.

Overview of the situation and Government position

Gypsies, Roma and Travellers face widespread prejudice and race hate¹²¹³. However, Government data on hate crimes are not disaggregated sufficiently and not all Police Forces record the ethnicity of victims in line with the Census categories, making the extent of anti-Gypsyism practically invisible.

The independent Gypsy, Roma and Traveller race hate reporting site 'Report Racism GRT' was established to address some of the gaps in data and to promote reporting of anti-Gypsyism¹⁴¹⁵. This project had, for a period of time, been funded by the Government, but in 2020 the funding came to an end with no plan for renewal.

The level of prejudice and hate against Gypsy, Roma and Traveller people is not adequately reflected in the most recent National Hate Crime Action Plan (2016-2020)¹⁶.

While the Government made some progress to improve hate crime reporting by funding the Report Racism GRT project, this progress has ground to a halt, with much needed progress to improve monitoring and strategies to tackle anti-Gypsyism in line with the Committee's 2016 recommendation, and in support of Articles 2, 4 and 6 of the Convention.

Recommendations

- The UK Government and Police Forces should disaggregate their data on hate crimes/incidents in line with the 2021 Census ethnic categories.
- The UK Government should include robust measures to tackle anti-Gypsyism into in the next Hate Crime Action Plan.

Political discourse

Relevant CERD recommendation

The Committee also issued a recommendation in 2016 to tackle xenophobic political discourse and to ensure public officials not only refrain from using such language, but actively condemn it in order to promote a culture of respect and tolerance¹⁷.

¹¹ Para 16 (b) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

¹² <https://www.equalityhumanrights.com/sites/default/files/national-barometer-of-prejudice-and-discrimination-in-britain.pdf>

¹³ <https://gateherts.org.uk/wp-content/uploads/2020/12/Rain-Report-201211.pdf>

¹⁴ <https://reportracismgrt.com/>

¹⁵ https://gateherts.org.uk/wp-content/uploads/2018/06/Annual_Report_14_05_18.pdf

¹⁶ <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>

¹⁷ Para 16 (d) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

Overview of the situation and Government position

Not only do we continue to see discriminatory language used among public officials toward Gypsy, Roma and Traveller communities, there is a lack of accountability and absence of effective recourse to challenge this. For example, Friends Families and Travellers submitted 8 complaints regarding discriminatory language used by Conservative Party Members of Parliament between 2018- 2020. Every one of these complaints were dismissed on the following grounds;

“The Code of Conduct states: “In no way should anything in this Code interfere with an elected representative carrying out his or her duties and exercising his or her judgement in relation to his or her work...”

Examples of the nature of language used include;

- *“These people think the normal rules of civilised society do not apply to them.”*
- *“...a big Traveller problem.”*
- *“...an expensive menace...”*
- *“...people in the UK who repeatedly suffer from being besieged by Gypsy and Traveller communities.”*
- *“This year Surrey has been particularly plagued by groups who descend on open land.”*

The Government have failed to implement the Committee’s 2016 recommendation to identify or address discriminatory political discourse in conflict with Articles 2, 4 and 6 of the Convention.

Recommendation

- The UK Government should take steps to address discriminatory political discourse surrounding Gypsies, Roma and Travellers as part of a wider plan to address race hate against Gypsy, Roma and Traveller communities.

Role of the media in fuelling hate speech and crime against Gypsies, Roma and Travellers

Relevant CERD recommendation

The Committee issued a recommendation in 2016 to the UK Government to address racist media coverage and hate speech and to ensure such cases are fully investigated and resolved¹⁸.

Overview of the situation and Government position

In 2018, the UK government signed up to the UN Global Compact for Safe, Orderly and Regular Migration which contains a commitment from all signatories to stop, *“allocation of public funding or material support to media outlets that systematically promote intolerance, xenophobia, racism and other forms of discrimination towards migrants, in full respect for the freedom of the media.”* However, since signing the Global Compact on Migration, the UK government has continued to invest in newspapers which promote racism and other forms of discrimination towards migrants, including Roma communities¹⁹.

¹⁸ Para 16 (e) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

¹⁹ Friends Families and Travellers and Gypsy and Traveller Empowerment Hertfordshire written information for the examination of the UK State party's report to the 66th Cycle of the United Nations Committee Against Torture

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

The issue is reflected in TV and broadcast media also. For example, in April 2020 Channel 4 aired a show, 'Dispatches: The Truth About Traveller Crime' which was misleading, encouraged hate towards Gypsy and Traveller people and reinforced false stereotypes. Over 7000 people complained and Ofcom, the UK's communications regulator, launched an investigation in May 2020 which aimed to be completed within 50 working days²⁰. Over nine months have now passed and the outcome of the investigation is yet to be shared. Information from the show is now quoted by other media outlets as fact, although the content is misleading.

The UK Government have failed to implement the Committee's 2016 recommendation to address race hate in the media, in conflict with Articles 2, 4 and 6 of the Convention.

Recommendation

- The UK Government should stop allocating public funds to media outlets which promote racism, in line with commitments made in the UN Global Compact for Migration.
- The UK Government should review and strengthen the IPSO Editor's Code of Practice and the Ofcom broadcasting code to ensure racist media coverage is addressed in all its forms in a timely manner.

Race hate in education settings

Relevant CERD recommendation

The Committee expressed concern in their 2016 concluding observations with reports of continued racist bullying within schools and the disproportionate rates of exclusion from school of pupils belonging to Gypsy, Traveller and Roma communities across the UK²¹.

Overview of the situation and Government position

The most recent Government Race Disparity Audit (RDA) figures tell us that Gypsies, Roma and Travellers continue to experience the highest rates of temporary and permanent exclusion compared to other ethnic groups in the UK^{22,23}. Furthermore, research published in 2020 by Greenfields and Rogers on the effects of hate crime and discrimination on Gypsy, Roma and Traveller communities revealed;

School bullying was highlighted by 78% of [88] survey respondents as one of the most common forms of hate speech/crime experiences²⁴.

²⁰ <https://www.gypsy-traveller.org/campaign/ofcom-launch-investigation-into-channel-4-show-dispatches-the-truth-about-traveller-crime/>

²¹ Para 34 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

²² <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest>

²³ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/permanent-exclusions/latest>

²⁴ http://bucks.ac.uk/_data/assets/pdf_file/0028/54649/Rain-Report.pdf

The RDA also highlights the critical inequality between the educational outcomes of Gypsies, Roma and Travellers and the general population. For example, the average score at GCSE attainment 8 level²⁵ is just 19.1 out of a possible score of 90 for Gypsies/Roma and 26.6 for Irish Travellers. This compares to combined average of 46.7 out of 90 for 2018/19²⁶.

Despite these continuing educational inequalities the Government has cut vital funding to local authority Traveller Education Services, which were set up to improve relationships, address exclusion rates and attainment gaps. Due the discontinuation of Government funding, the vast majority of Traveller Education Services no longer exist.

The Government have failed to address the Committee's 2016 concerns in relation to exclusions and race hate within the school setting, in conflict with Articles 2 and 5 (e) (v) of the Convention.

Recommendations

- The UK Government should take steps to create a more inclusive environment for Gypsy, Roma and Traveller pupils.
- The UK Government should reintroduce ring-fenced funding for Traveller Education Services.
- The UK Government should take steps to address the high exclusion rates experienced by Gypsy, Roma and Traveller pupils.

About us

Friends Families and Travellers is a leading national charity that works on behalf of all Gypsies, Roma and Travellers regardless of ethnicity, culture or background.

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²⁵ Pupils' average score out of 90, based on the results of 8 GCSE level qualifications

²⁶ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest>