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July 2021

Gypsy, Roma and Traveller Civil Society Report to the Committee on the Elimination of Racial Discrimination

Report compiled by:

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The Traveller Movement
Traveller Pride
Travelling Ahead**



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15 July 2021

Friends, Families and Travellers is a leading national charity working with Gypsies, Roma and Travellers regardless of ethnicity, culture or background.

The Traveller Movement is a leading national charity committed to the fulfilment of Human Rights for ethnic minority Gypsy, Roma and Traveller people.

The Catholic Association for Racial Justice is an independent charity and a membership organisation.

Churches Network for Gypsies Travellers and Roma is an organisation of Christian Gypsies, Travellers and Roma and those who work with them.

Derbyshire Gypsy Liaison Group is an organisation providing assistance and information to the Gypsy community in and around Derbyshire.

Gypsy and Traveller Empowerment Hertfordshire is a community led organisation supporting Gypsies and Travellers in Hertfordshire.

London Gypsies and Travellers is an organisation working for change in partnership with Gypsies and Travellers.

Southwark Travellers' Action Group is a community organisation for Gypsies, Roma and Travellers connected to Southwark.

Traveller Pride is the UK's network for LGBT+ Travellers.

Travelling Ahead works for Gypsy, Roma and Traveller communities in Wales offering advice, advocacy and support on rights and discrimination.



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Introduction

The following submission provides evidence with reference to Gypsy, Roma and Traveller communities to the United Nations Committee on the Elimination of Racial Discrimination (CERD). This is in contribution to their examination of the situation of race and racism in the UK and in response to the Committee's 2016 Concluding Observations on the Combined 21st to 23rd Periodic Reports of the United Kingdom of Great Britain and Northern Ireland.

We present evidence relating to: the anticipated UK Government's National Strategy to address the inequalities experienced by Gypsy, Roma and Traveller communities; accommodation; hate crime; political discourse; the role of the media in fuelling hate speech and crime; healthcare; education; the criminal justice system; access to the European Union Settlement Scheme; 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.

We are concerned that the UK Government's 24th to 26th periodic reports to the Committee are now overdue. The promised National Strategy on the inequalities experienced by Gypsies, Roma and Travellers is also overdue. We believe the UK Government needs to take further action to address several areas in which it remains in breach of various articles of the Convention, and to make urgent changes to current legislation progressing through Parliament which will increase, rather than decrease, the inequalities and racial discrimination experienced by Gypsies, Roma and Travellers.

In the additional context of the COVID-19 crisis, which has disproportionately affected black and minority ethnic groups¹, and the recently published Sewell report², with its extremely disappointing and unsubstantiated conclusion that there is no evidence of institutional racism in the UK, we are deeply concerned about the UK Government's policy position on race and racism and commitment to meaningful change.

¹ <https://committees.parliament.uk/publications/3965/documents/39887/default/>

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974507/20210331_-_CRED_Report_-_FINAL_-_Web_Accessible.pdf



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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 and 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 UK³.

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 Travellers⁴, the Government announced its commitment to implement a cross-departmental strategy to address this in June 2019⁵. 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 has 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.

Recommendations

- 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;
- This must include all key social indicators/policy areas and must have specific, measurable outcomes with coherent data collection.

³ Para 25 (a) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

⁴ <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/full-report.html>

⁵ <https://www.gov.uk/government/news/new-national-strategy-to-tackle-gypsy-roma-and-traveller-inequalities>



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Gypsy and Traveller site provision and 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 Travellers⁶.

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 affected by the 2015 Planning Policy for Traveller Sites change in definition of a Traveller, including those who have ceased to travel permanently⁷.

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^{8 9 10}. Research demonstrates that the majority of local authorities are failing to comply with requirements on land allocation for site provision under PPTS¹¹.

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. Research conducted by the Equality and Human Rights Commission in 2019 showed that, across the 20 local planning authorities they inspected, the pre-2015 definition total requirement was for 1,584 further pitches, but after the revised definition was introduced, the assessed need fell to just 345¹².

The impact of the definition change has resulted in a significant proportion of Gypsies and Travellers being excluded from the definition, regardless of ethnic status, who are therefore facing insurmountable barriers in accessing culturally pertinent accommodation.

The Government have not only failed to implement these Committee recommendations, they have put forward hostile legislation which seeks to criminalise Gypsies and Travellers living on encampments^{13 14 15}. Part 4 of the

⁶ Para 25 (b) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

⁷ Para 25 (d) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891229/Traveller_caravan_count_2020_stats_release.pdf

⁹ <https://www.gypsy-traveller.org/wp-content/uploads/2017/12/Lack-of-Increase-in-Affordable-Pitches-Dec-2017-Report.pdf>

¹⁰ https://www.gypsy-traveller.org/wp-content/uploads/2021/01/Availability-of-pitches-on-Traveller-sites-in-England_FINAL.pdf

¹¹ <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/>

¹² https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf

¹³ <https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments>

¹⁴ <https://www.gypsy-traveller.org/wp-content/uploads/2021/03/Briefing-on-new-police-powers-PCSCBill-and-CJPOA-002.pdf>

¹⁵ <http://www.communitylawpartnership.co.uk/news/the-criminalisation-of-trespass>



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Police, Crime, Sentencing and Courts Bill¹⁶ introduces a new criminal offence where trespassers reside or have the intent to reside. This will apply when a person:

- is residing, or intending to reside, on land without consent and has been asked to leave by the occupier, their representative or the police;
- has at least one vehicle with them on the land;
- has caused, or is likely to cause, significant damage, disruption or distress;
- has failed to comply with this request as soon as reasonably practicable and has no reasonable excuse for doing so.

Failure to comply without 'reasonable excuse' can lead to the police exercising powers to seize a vehicle (someone's home and possessions) as well as imprisonment and a fine.

Part 4 also includes changes to current police powers of eviction in the Criminal Justice and Public Order Act 1994¹⁷: to broaden the types of harm that can be caught by the power to direct trespassers under that provision, to include damage, disruption and distress; to increase the period in which trespassers directed away from the land must not return from three months to 12 months; and to enable police to direct trespassers with a common purpose of residing on land to leave land that forms part of a highway.

The role of the private individual (landowner/representative) and the subjectivity of the terms 'damage, disruption or distress' and 'intends to', are of real concern, as they are open to interpretation and abuse in the context of widespread hostility and prejudice towards Gypsies and Travellers.

Current powers allow for discretionary use and a proportionate response from police. This can already mean enforced eviction within an hour. If the offence is criminal, police will be obligated to investigate and evict without discretion¹⁸. It is questionable whether the proposals would be lawful under equalities and human rights legislation.

The seizure of homes and possessions and driving of potentially anyone over 18 into the criminal justice system would be catastrophic for an individual or family. This would also affect the long-term prospects and welfare of an individual or family and severely impact children who would lose their home and face Children's Services intervention, possibly breaking up the family. The proposed measures pose 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 criminalise trespass and introduce tougher police powers conflict with Articles 2 and 5 (e) iii of the Convention.

¹⁶ <https://publications.parliament.uk/pa/bills/cbill/58-01/0268/200268.pdf>

¹⁷ <https://www.legislation.gov.uk/ukpga/1994/33/contents>

¹⁸ <https://www.gardencourtchambers.co.uk/resources/download/87/npsc-unauthorised-encampments-consultation-response-2020.pdf>

Recommendations

- The UK Government should amend the Police, Crime, Sentencing and Courts Bill to withdraw Part 4 on Unauthorised Encampments, the criminalisation of trespass and strengthening of police powers.
- The national strategy to tackle Gypsy, Roma and Traveller inequalities must include a strand on supporting the accommodation needs of Gypsies and Travellers. This should include:
 - the reintroduction of pitch targets and a statutory duty on local authorities to meet the assessed need for Gypsy and Traveller sites;
 - amendment of the 2015 Planning Policy for Traveller sites definition of a Traveller to include all Gypsies and Travellers who need a pitch to live on.

Monitoring/addressing hate crimes and 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 process¹⁹.

Overview of the situation and Government position

Gypsies, Roma and Travellers face widespread prejudice and race hate²⁰. Greenfields and Rogers' 2020 research²¹ found that 78% of 88 Gypsy, Roma and Traveller survey respondents said incidents of hate speech/crime happen very often. This included discrimination from and within education and health services, racial bullying and victimisation within school, online racial hatred and incitement of racial hatred within the media²².

A report by the Traveller Movement in 2017 found 91% of Gypsy, Roma and Traveller people surveyed had experienced discrimination²³, while a YouGov poll found that one in four British parents found it unacceptable for their child to have a playdate with a Gypsy or Traveller child, and one in four would be unhappy if a close relative had a relationship with a Gypsy or a Traveller²⁴. The Equality and Human Rights Commission's Barometer of Hate also found that Gypsy, Roma and Travellers were the only protected characteristic group for which the most frequent response

¹⁹ Para 16 (b) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

²⁰ <https://www.equalityhumanrights.com/sites/default/files/national-barometer-of-prejudice-and-discrimination-in-britain.pdf>

²¹ Commissioned by GATE Herts and funded by the Ministry of Housing, Communities and Local Government (MHCLG), <https://www.bucks.ac.uk/sites/default/files/2021-05/Hate%20-%20%E2%80%9CAs%20regular%20as%20rain%E2%80%9D%20report.pdf>

²² <https://gateherts.org.uk/wp-content/uploads/2020/12/Rain-Report-201211.pdf>

²³ <https://travellermovement.org.uk/phocadownload/userupload/equality-human-rights/last-acceptable-form-of-racism-traveller-movement-report.pdf>

²⁴ <https://www.irishpost.com/news/nearly-half-british-people-unhappy-relative-relationship-irish-traveller-new-poll-136321>



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was openly negative (44%)²⁵. Research by GATE Herts found that most Gypsies and Travellers have experienced hate crime, but the majority are reluctant to report these crimes to the police²⁶. This is largely due to the pervasiveness of everyday racism, but also longstanding mistrust of the police based on decades of mistreatment and discriminatory practices. This negative perception of the police was supported by Traveller Movement research²⁷, which found the ethnicity to be treated as a risk factor, widespread evidence of racism, discrimination and the belief that Gypsy, Roma and Traveller people are inherently criminogenic.

UK 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.

Currently, we rely on small-scale research and third sector data collection on hate crime and incidents committed against Gypsies, Roma and Travellers. 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-Gypsyism^{28 29}. This project had, for a period of time, been funded by the Government, but in 2020 the funding came to an end.

While the Government made some progress to improve hate crime reporting by previously funding the Report Racism GRT project, this support has ground to a halt.

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)³⁰. More needs to be done 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 in the next Hate Crime Action Plan.

²⁵ <https://www.equalityhumanrights.com/sites/default/files/national-barometer-of-prejudice-and-discrimination-in-britain.pdf>

²⁶ <https://www.gypsy-traveller.org/wp-content/uploads/2020/02/Recognise-Report-Resolve.pdf>

²⁷ https://travellermovement.org.uk/phocadownload/userupload/criminal-justice/TTM-Policing-by-consent_web.pdf

²⁸ <https://reportracismgrrt.com/>

²⁹ https://gateherts.org.uk/wp-content/uploads/2018/06/Annual_Report_14_05_18.pdf

³⁰ <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>

Political discourse

Relevant CERD recommendation

The Committee 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 tolerance³¹.

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, but there is a lack of accountability and absence of effective recourse to challenge this. For example, Friends, Families and Travellers submitted eight 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..." That should not be seen as endorsement of the way in which a representative does exercise his or her judgement, only as a statement of the limitations of the Code.'

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'*

Racist or derogatory language by politicians against minority groups can lead to a spike in hate crimes, whilst racist and irresponsible reporting in the media can, and often does, lead to a backlash against all community members. Parliamentary debates should be solution-focused, and not a platform for prejudice.

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.

³¹ Para 16 (d) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

Recommendations

- 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 resolved³².

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 communities³³.

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 7,000 people complained and Ofcom, the UK's communications regulator, launched an investigation in May 2020 which aimed to be completed within 50 working days³⁴. Over a year has 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.

³² Para 16 (e) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

³³ 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

³⁴ <https://www.gypsy-traveller.org/campaign/ofcom-launch-investigation-into-channel-4-show-dispatches-the-truth-about-traveller-crime/>



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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.

Recommendations

- 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.
- The national strategy to tackle the inequalities experienced by Gypsy, Roma and Traveller communities should include a strand on addressing anti-Gypsy, Roma and Traveller racism in the media.

Equal access to healthcare

Relevant CERD recommendation

The Committee made a recommendation to the UK Government in 2016 to ensure equal access to healthcare to persons belonging to ethnic minorities³⁵.

Overview of the situation and Government position

- Almost a third of Gypsies, Roma and Travellers reported that they had experienced discrimination within the healthcare system³⁶;
- Gypsy and Traveller people are estimated to have life expectancies of between ten and 25 years shorter than the general population^{37 38};
- Gypsy and Traveller mothers are 20 times more likely to experience the death of a child than those from the general population³⁹;
- 42% of Gypsies and Travellers are affected by a long-term condition, as opposed to 18% of the general population³⁹;
- Gypsies and Travellers suffer higher levels of stress, are three times as likely to suffer from anxiety and twice as likely to suffer from depression compared the general population^{39 40 41};

³⁵ Para 31 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

³⁶ Traveller Movement (2017) The last acceptable form of racism? The pervasive discrimination and prejudice experienced by Gypsy, Roma and Traveller communities <https://travellermovement.org.uk/phocadownload/userupload/equality-human-rights/last-acceptable-form-of-racism-traveller-movement-report.pdf>

³⁷ <https://www.equalityhumanrights.com/en/gypsies-and-travellers-simple-solutions-living-together>

³⁸ <https://leedsgate.co.uk/sites/default/files/media/BaselineCensus.pdf>

³⁹ Parry et al (2007) 'Health status of Gypsies and Travellers in England'. J Epidemiol Community Health. 2007 Mar; 61(3): 198–204

⁴⁰ University College Dublin (2010) 'All Ireland Traveller Health Study: Our Geels'. https://www.ucd.ie/t4cms/AITHS_SUMMARY.pdf

⁴¹ EHRC, Cemlyn et al. (2009) Inequalities experienced by Gypsies and Travellers: A Review.

https://www.equalityhumanrights.com/sites/default/files/research_report_12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf



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- The suicide rate in the Irish Traveller community in Ireland is six to seven times higher than in the general population and anecdotally we believe the same to be true for Gypsy and Traveller people in Britain⁴⁰.

In recent years, the Government has taken a number of significant steps to address inequalities in access to and availability of quality healthcare services to Gypsy, Roma and Traveller people. This includes the allocation of funding to Friends, Families and Travellers for supporting policymakers with more inclusive policy making, the creation an audit tool to help Primary Care Networks make their services more inclusive for those experiencing the greatest inequalities, the launch of cards to support patients in communicating their rights to be registered in general practice and more. Despite this, severe inequalities remain.

While in principle everyone who is ordinarily resident in the UK has a right to access primary healthcare, when we mystery shopped 50 GPs across England, only 24 GPs would register our mystery shopper who had no proof of address or identification⁴². Further to this, we believe that the adoption of many healthcare services of digital-by-default approaches to healthcare during the COVID-19 pandemic has meant greater barriers to healthcare for many. When services refuse to register Gypsy and Traveller people or offer digital-only options to people who cannot utilise these, this has a huge impact on the individual, but there is very little accountability for the service.

Whilst broadly the NHS collects data on ethnicity and how people from various ethnic groups experience healthcare services, no such data is collected for Gypsy, Roma and Traveller people. This means frontline healthcare services are often unaware of the severe inequalities that exist and are not able to measure whether they have been successful in addressing them.

This issue has been particularly acute during COVID-19. Chronic exclusion across the wider determinants of health coupled with pre-existing health inequalities in Gypsy, Roma and Traveller communities mean that there is a disproportionately high representation of people at increased risk of severe illness from coronavirus. However, the absence of NHS data collection on Gypsy, Roma and Traveller people means we do not know how many people have had COVID-19, how many have died as a result or what specific interventions might be most effective in protecting people at risk from harm. During the pandemic, the Government were slow to publish guidance for people living nomadically and even now, barriers exist to accessing Test and Trace and the COVID-19 vaccine for people living nomadically.

While the Government have made good progress in some areas, Gypsies, Roma and Travellers continue to experience barriers in accessing healthcare, in conflict with Articles 2 and 5 (e) (iv) of the Convention.

⁴² <https://www.gypsy-traveller.org/wp-content/uploads/2019/03/No-room-at-the-inn-findings-from-mystery-shopping-GP-practices.pdf>

Recommendation(s)

- The UK Government should strengthen accountability where healthcare services directly or indirectly discriminate against someone and this affects the individual's ability to access healthcare.
- NHS England should introduce routine data collection within healthcare settings for Gypsy, Roma and Traveller people.

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 UK⁴³.

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^{44 45}. 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 experiences⁴⁶.

Bullying remains a serious issue and contributes to early school leaving and exclusion numbers, due to retaliation after schools fail to act. Bullying from peers and teachers, along with a lack of curriculum representation, results in pupils feeling a lesser sense of belonging⁴⁷.

The RDA also highlights the critical inequality between the educational outcomes of Gypsies, Roma and Travellers and the general population; Gypsy, Roma and Traveller children have the lowest attainment of all ethnic groups throughout their school years. For example, the average score at GCSE attainment 8 level⁴⁸ 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 2018/19⁴⁹. Gypsy, Roma and Traveller children are less likely to remain in education after the age

⁴³ Para 34 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en

⁴⁴ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest>

⁴⁵ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/permanent-exclusions/latest>

⁴⁶ https://www.bucks.ac.uk/sites/default/files/2021-05/Hate%20-%20E2%80%9CA%20regular%20as%20rain%20in%20education_web.pdf

⁴⁷ https://travellermovement.org.uk/phocadownload/TTM%20Barriers%20in%20education_web.pdf#

⁴⁸ Pupils' average score out of 90, based on the results of 8 GCSE level qualifications

⁴⁹ <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>

of sixteen than pupils in any other ethnic group⁵⁰. In 2014, only 3 to 4% of Gypsy, Roma and Traveller people aged 18 to 30 accessed Higher Education⁵¹. During the COVID-19 pandemic, existing issues have become exacerbated and we have seen the emergence of new needs. Failure to address these could see Gypsy, Roma and Traveller pupils being set even further behind than many already are.

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 to 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

- Gypsy, Roma and Traveller history and culture should be included across the curriculum.
- 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.
- The UK Government should take steps to address ethnicity-based bullying.
- The national strategy needs to include recommendations and support in education in order to bridge the attainment gap, drive down exclusions and improve future opportunities.

Overrepresentation of Gypsies and Travellers in the Criminal Justice System

Relevant CERD recommendation

The Committee issued a recommendation in 2016 that the overrepresentation of black people and people belonging to ethnic minority groups at all stages of the criminal justice system in England, Northern Ireland, Scotland and Wales should be thoroughly investigated, and concrete measures taken to effectively address racial prejudice and bias in the criminal justice system⁵².

⁵⁰ <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/after-education/destinations-of-school-pupils-after-key-stage-4-usually-aged-16-years/latest#by-ethnicity>

⁵¹ https://www.cfey.org/wp-content/uploads/2017/07/KINGWIDE_28494_proof3.pdf

⁵² Para 29 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en



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Overview of the situation and Government position

The Traveller Movement research, 'Policing by Consent'⁵³, found the relationship between Police and Gypsy, Roma and Traveller communities to be one of difficulty and mistrust. Gypsy, Roma and Traveller ethnicities are often treated as risk factors by Police and there is evidence that some Police officers use racist or derogatory language towards these communities. Gypsies, Roma and Travellers are less likely to report crime due to distrust, and the Traveller Movement research found that, of the 43 police forces in the UK, only nine record Gypsies, Roma or Travellers as ethnic groups⁵⁴. This means comprehensive ethnicity data representing members of these communities when they are victims of crime is not available.

Gypsies, Roma and Travellers are enormously overrepresented in the criminal justice system. The 2017 Lammy review helped bring Gypsy, Roma and Traveller people into the broader discourses of the disproportionality, treatment and outcomes of Black, Asian and Minority Ethnic people in the criminal justice system⁵⁵. Although none of the 35 recommendations were aimed at Gypsies, Roma or Travellers, it did highlight that they experience some of the worst outcomes.

As an overall picture, Gypsies, Roma and Travellers are more likely to have poor experiences of detention. Data from the 2019/2020 HMIP prisoner survey⁵⁶ shows that:

- 64% of prisoners from Gypsy, Roma and Traveller communities recorded having mental health problems compared to 46% of other prisoners;
- 53% of prisoners from Gypsy, Roma and Traveller communities recorded having a disability compared to 35% of other prisoners;
- 66% of prisoners from Gypsy, Roma and Traveller communities have children under the age of 18 compared to 47% of other prisoners;
- 37% prisoners from Gypsy, Roma and Traveller communities said they had been prevented from making a complaint when they wanted to compared to 28% of other prisoners;
- 29% of prisoners from Gypsy, Roma and Traveller communities recorded drug and alcohol problems compared to 17% of other prisoners;
- 24% of prisoners from Gypsy, Roma and Traveller communities had spent one or more nights in the segregation unit in the last six months compared to 9% of other prisoners;
- 62% of prisoners from Gypsy, Roma and Traveller communities reported feeling unsafe compared to 47% of other prisoners.

The Government have failed to address the Committee's 2016 concerns in relation to institutional bias and overrepresentation of black and minority ethnic individuals in

⁵³ <https://travellermovement.org.uk/criminal-justice?download=49:jun-2018-policing-by-consent-understanding-and-improving-relations-between-gypsies-roma-irish-travellers-and-the-police>

⁵⁴ [https://travellermovement.org.uk/phocadownload/Ethnic-recognition-of-Gypsies-and-Travellers-in-Police-Forces-in-the-UK.pdf#:~:text=Ethnic%20Monitoring%20of%20Gypsies%20and%20Travellers%20\(general\)-%2D%20Of%20the%2048&text=%2D%20The%20vast%20majority%20of%20police.in%20their%20ethnic%20monitoring%20systems](https://travellermovement.org.uk/phocadownload/Ethnic-recognition-of-Gypsies-and-Travellers-in-Police-Forces-in-the-UK.pdf#:~:text=Ethnic%20Monitoring%20of%20Gypsies%20and%20Travellers%20(general)-%2D%20Of%20the%2048&text=%2D%20The%20vast%20majority%20of%20police.in%20their%20ethnic%20monitoring%20systems)

⁵⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

⁵⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927361/hmi-prisons-annual-report-accounts-201920.pdf



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the Criminal Justice system, in conflict with Articles 2, 5 (a)⁵⁷ and 6 of the Convention.

Recommendations

- Police forces must build trust and confidence among the Gypsy, Roma and Traveller communities by improving the police’s commitment to respond effectively to complaints of crime, including hate crime.
- Police and other UK Criminal Justice System agencies should include the 2021 Census racial, ethnic and national group categories in their monitoring systems.

Equal access to the European Union Settlement Scheme (EUSS) for Roma

Overview of the situation and Government position

Roma face broad structural inequality in the UK in terms of access to services⁵⁸ and Brexit has presented yet another challenge in terms of the accessibility of the EUSS, threatening the residency status of many Roma who have a right to live permanently in the UK.

Roma Support Group carried out research in order to explore some of the specific barriers faced by Roma in accessing the EUSS⁵⁹. They found there was a general lack of awareness of the need to apply and the implications of failing to do so. In addition to this, a number of other barriers were identified:

- Limited access to reliable, trusted sources of information and support;
- Digital exclusion and language barriers;
- A lack of valid identification or proof of five years’ residence due to informal work and/or unstable housing circumstance;
- The tendency to rely on a national identity card, rather than a passport, and a reluctance to send identification to the Home Office.

To ameliorate some of these barriers, the Government provided £9 million in funding to charities in order to support vulnerable communities to apply to the EUSS. A roundtable was held in November 2020 by the All-Party Parliamentary Group on Gypsies, Travellers and Roma in order to examine the impact of steps taken by the Government to improve accessibility of the EUSS for Roma^{60 61}.

While the Government funding provided much-needed resources for third-sector organisations to support Roma to overcome the barriers identified, the Covid-19

⁵⁷ Article 5 (a) The right to equal treatment before the tribunals and all other organs administering justice.

⁵⁸ <https://fra.europa.eu/en/themes/roma>

⁵⁹ http://www.romasupportgroup.org.uk/uploads/9/3/6/8/93687016/roma_brexit_euss_report_16.06.2020_final.pdf

⁶⁰ The event brought together parliamentarians, academics, civil society, public authorities and expert members of the public, including a number of Roma people, and consisted of presentations from a panel followed by questions and contributions from the audience.

⁶¹ <https://www.gypsy-traveller.org/wp-content/uploads/2021/01/SM03-EUSS-Report.pdf>



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pandemic has served to compound barriers in accessing the EUSS and the work of charities who have been funded to support applications for Roma in terms of restrictions on face to face support and delays in obtaining documentation. Furthermore, Government funding to third-sector organisations came to an end with the financial year three months before the application deadline of June 2021, cutting off vital support to Roma who had yet to apply.

We are concerned that a significant proportion of Roma have fallen through the gaps of the EUSS due to its inaccessibility and inadequate Government action to address this in a timely manner. As a result, we fear many Roma who have the right to residency in the UK may face deportation. We consider this to be in conflict with Articles 2 and 5 (d) i of the Convention.

Recommendation

- The UK Government should extend the deadline for applications to the EUSS and allocate additional resources to third-sector organisations to support those who experience barriers in accessing the EUSS.

List of recommendations

1. 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.
 - This must include all key social indicators/policy areas and must have specific, measurable outcomes with coherent data collection.
2. The UK Government should amend the Police, Crime, Sentencing and Courts Bill to withdraw Part 4 on Unauthorised Encampments, the criminalisation of trespass and strengthening of police powers.
3. The national strategy to tackle Gypsy, Roma and Traveller inequalities must include a strand on supporting the accommodation needs of Gypsies and Travellers. This should include:
 - the reintroduction of pitch targets and a statutory duty on local authorities to meet the assessed need for Gypsy and Traveller sites;
 - amendment of 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. The UK Government and Police Forces should disaggregate their data on hate crimes/incidents in line with the 2021 Census ethnic categories.
5. The UK Government should include robust measures to tackle anti-Gypsyism in the next Hate Crime Action Plan.
6. 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.
7. 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.
8. 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.
9. The national strategy to tackle the inequalities experienced by Gypsy, Roma and Traveller communities should include a strand on addressing anti-Gypsy, Roma and Traveller racism in the media.



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10. The UK Government should strengthen accountability where healthcare services directly or indirectly discriminate against someone and this affects the individual's ability to access healthcare.
11. NHS England should introduce routine data collection within healthcare settings for Gypsy, Roma and Traveller people.
12. Gypsy, Roma and Traveller histories and cultures should be included across the curriculum.
13. The UK Government should take steps to create a more inclusive environment for Gypsy, Roma and Traveller pupils.
14. The UK Government should reintroduce ring-fenced funding for Traveller Education Services.
15. The UK Government should take steps to address the high exclusion rates experienced by Gypsy, Roma and Traveller pupils.
16. The UK Government should take steps to address ethnicity-based bullying.
17. The national strategy needs to include recommendations and support in education in order to bridge the attainment gap, drive down exclusions and improve future opportunities.
18. Police forces must build trust and confidence among the Gypsy, Roma and Traveller communities by improving the police's commitment to respond effectively to complaints of crime, including hate crime.
19. Police and other UK Criminal Justice System agencies should include the 2021 Census racial, ethnic and national group categories in their monitoring systems.
20. The UK Government should extend the deadline for applications to the EUSS and allocate additional resources to third-sector organisations to support those who experience barriers in accessing the EUSS.



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