

Joint report to the United Nations Universal Periodic Review of the United Kingdom 2017 (3rd Cycle)

This report has been produced by Friends, Families and Travellers
and is a joint report with the organisations listed overleaf



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Friends, Families and Travellers (FFT) is a small UK charity working on behalf of all Gypsies, Travellers and Roma regardless of ethnicity, nationality, culture or background.

FFT has worked with UK travelling communities for over 20 years, delivering a wide range of projects and programmes relating to health, education, accommodation, criminal justice, racism & discrimination, political representation and other areas.

This report was produced by FFT but is a collective submission on behalf of the other organisations listed overleaf, who also represent and support Gypsies and Travellers in the UK.

This is a joint submission between Friends, Families and Travellers and the following organisations –

Leeds GATE



Community Law Partnership



London Gypsy and Traveller Unit



Traveller Law Reform Project

Gypsy, Traveller and Roma Media



Churches Network for Gypsies, Travellers and Roma

Irish Community Care



**David Watkinson, Barrister (non-practising), Door Tenant,
Garden Court Chambers.**



1. Introduction

- 1.1 Our over-arching view is that, whilst there has been some improvement in terms of acknowledgement by wider society that Gypsies, Travellers and Roma are amongst the most excluded and discriminated against groups in UK society today, the UK Government has taken no substantive steps to address those inequalities. Indeed we believe that the situation of the travelling communities has worsened rather than improved in recent years.
- 1.2 The Equalities and Human Rights Commission Report *Is Britain Fairer?* (March 2016) confirms Gypsies and Travellers to be one of the most disadvantaged groups in Britain.
- 1.3 FFT does not believe the UK Government is doing enough to follow a number of the 2012 UPR recommendations when it comes to the Gypsy and Traveller communities. These will be highlighted throughout this report.

2. Equality issues for Gypsies and Travellers in the UK

- 2.1 FFT does not feel the UK Government is following the recommendations to -
 - Review national legislation to ensure equality and non-discrimination (recommendation 110.49, Egypt, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19)
 - Develop appropriate policies and targeted measures in ensuring genuine equality in accordance with the recommendation of the Committee on Economic, Social and Cultural Rights (recommendation 110.39, Uzbekistan, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 9)
 - Continue stepping up its efforts in tackling discrimination and inequality for all its citizens, (right or area 8, recommendation 110.50, Indonesia, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19)

This will be explained in this section of the report.

- 2.2 In 2010 the UK Government claimed to have created a ministerial working group on reducing Gypsy and Traveller inequalities. In March 2012 the Group published a report containing 28 commitments from across Government in areas such as education, health, employment, housing and criminal justice.
- 2.3 However, FFT uncovered, through questions posed under the Freedom of Information Act and subsequent appeal to the Information Commissioner, that the so-called 'Ministerial Working Group' existed in name only, that it had met just once and had no plans to meet again. It is thus unclear as to the mechanism under which the 'further progress report' (referenced in para. 114 of the UK Government report to ICERD) will be produced, but assumes that it will be a document written by civil servants with little or no input from Ministers, nor as a result of any meaningful engagement with civil society.
- 2.4 **Recommendation - The UK Government should develop a National Roma Integration Strategy, with targets that address the specific**

situation of the Roma communities (Gypsies, Travellers, Roma) in the areas of education, employment, health and housing, matched with appropriate funding.

2.5 Also, in January 2015 there was a High Court ruling against the Minister for Communities and Local Government for breaching the Equality Act 2010 by indirectly discriminating against Gypsies and Travellers through the use of his ministerial powers personally to decide on planning applications. Issues relating to Gypsy and Traveller accommodation are covered in the next part of this report.

3. Traveller accommodation / relating to welfare and an adequate standard of living

3.1 There is a severe shortage of pitches for Gypsies and Travellers nationally. Not having access to an authorised stopping place means Gypsies and Travellers are caught in a constant cycle of evictions. This has a huge impact on Gypsies and Travellers and means families cannot access healthcare, education and other services. These communities are chronically excluded and become even more vulnerable.

3.2 Increase in culturally appropriate accommodation for Gypsies and Travellers, i.e. sites, is extremely slow, and without this the welfare of Gypsies and Travellers is not being safeguarded. Those living on unauthorised encampments do not have access to safe drinking water or sanitation. We do not believe the UK Government is doing enough to address this issue or following the UPR 2012 recommendations listed in 3.2 for the reasons stated below.

- Extremely slow increase in socially-rented pitches due to a lack of will of local authorities, and the UK Government does not provide sufficient incentives to ensure increases.
- Removal of funds which was some incentive to local authorities.
- Changes to planning policy to further restrict private site provision.
- The removal of the statutory duty to conduct Gypsy and Traveller Accommodation Assessments as of July 2016 in the Housing and Planning Act 2016.

Lack of sufficient incentives or regulations to ensure the number of socially rented pitches increase

3.3 The UK Government introduced a Traveller Pitch Fund (2011 -2015). FFT has reason to believe that the figures published by the UK Government in respect of new Traveller pitches achieved via the Traveller Pitch Fund are inaccurate and misleading.

3.4 The published figures setting out the new and refurbished pitches provided by the fund are misleading because the numbers of 'new' pitches claimed fail to

take into account the number of pitches lost as a result of the development. In other words the net increase in the number of the pitches is considerably lower than the official statistics would indicate. The published figures show (a misleading) net increase in Traveller pitches provided as a result of the Traveller Pitch Fund to be 533 new Traveller pitches.

- 3.5 However, when FFT wrote to all the local authorities listed in the published figures to ask them about the actual net increase in pitches the research showed the true figure was 335, considerably less than the published statistics. It represents an increase of only 67 pitches per annum nationally, which is not even enough to accommodate natural growth through household formation.
- 3.6 There is a similar misrepresentation of the figures published from the Affordable Homes Programme which in 2015 claimed to produce 71 new pitches which in fact only 21 of those pitches represent additional pitches. Again a gross misrepresentation of the figures and highlights the extremely slow rate of provision of adequate accommodation for Gypsies and Travellers and the need for positive legislation and policies to address this.
- 3.7 The rate of increase in new pitches is not even meeting the demand arising from natural growth due to new household formation. This worrying conclusion is borne out by the UK Government's biannual caravan count which indicates that in recent years there has been no significant increase in caravans on socially rented pitches.
- 3.8 As the Affordable Homes Programme 2016 – 2021 does not include funding for Gypsy and Traveller pitches it is very unlikely local authorities will build more sites.
- 3.9 For the reasons stated above FFT disagrees profoundly with the Government's assertions in their report to ICERD at para.144 –

'The Government believes that local authorities are best placed to assess the needs of their communities and so we have placed responsibility for traveller site provision back with them. Rather than imposing top-down targets which fuelled opposition to development, we are offering local authorities real incentives to develop additional traveller sites in their areas.'

- 3.10 These 'real incentives' no longer exist (the funding for pitches is no longer available, see 3.8) are they did not have any notable effect or making any substantive inroads towards meeting the national shortfall of Traveller pitches.
- 3.11 Better Housing Briefing No. 26 (July 2015) shows Romany Gypsies and Irish Travellers to have the highest rate of housing deprivation of any minority ethnic group in the UK, being 7.5 times more likely to experience housing deprivation than other groups. In fact, almost 40% of the clients we supported last year were homeless.

- 3.12 Recommendation - The Department for Communities and Local Government accurately record and monitor the figures relating to the actual net increase of Gypsy and Traveller pitches. This will help highlight the extremely slow pace and positive policies can be implemented in order to address this.**
- 3.13 Recommendation – To re-introduce targets, and a statutory duty to meet the assessed accommodation need of Gypsies and Travellers, as introduced in Wales in March 2016 (section 103 Part 3, Housing (Wales) Act 2014).**
- 3.14 Recommendation – Ring-fenced Traveller pitch funding to provide more of an incentive to produce socially-rented pitches.**
- 3.15 Recommendation – The provision of drinking water on unauthorised encampments.**

Planning policy and legislative changes relating to the provision of Gypsy and Traveller sites

- 3.16 The position of Gypsies and Travellers in respect of their accommodation needs will also worsen as the UK Government changed the planning definition in the Department for Communities and Local Government document Planning Policy for Traveller Sites in August 2015.
- 3.17 The definition change means that those Gypsies and Travellers who have stopped travelling permanently, which includes for reasons of ill-health, disability or old age, will no longer meet the planning definition and effectively lose the right to live on a Gypsy or Traveller pitch. This will have the worst effect at a time of life when people most need a secure home or pitch. The definition for Travelling Showpeople is different but also excludes those people who have stopped travelling permanently.
- 3.18 This raises various equality issues as the UK Government's policy restricts Gypsy and Traveller access to culturally appropriate accommodation, particularly those who have other protected characteristics, as well as ethnicity. We believe that the UK Government's 2015 change to the planning definition of a Gypsy (to exclude those Gypsies and Travellers who have permanently ceased travelling, including for reasons of ill-health, disability, old age) is not compatible with, for example, the following rights:
- ECHR, Article 8.
 - International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 (vi) The right to equal participation in cultural activities.
 - Convention on the Rights of Persons with Disabilities Article 9, requiring the protection of the right to ensure accessibility to enable disabled people to participate in all aspects of life.

- International Covenant on Civil and Political Rights, Article 27¹

3.19 This is also contrary to the claim in the UK's UPR mid-term report 2014 (para. 9, p7) that the UK remains committed to improving opportunities for older people as the planning definition change means older Gypsies and Travellers no longer have right to settle on a pitch.

3.20 Recommendation – Reinstate a broader definition of Gypsies and Travellers for use in planning issues, such as the Housing Regulations 2006 definition.

3.21 The changes to planning policy in 2015 also make it much harder for Gypsies and Travellers to get planning permission in the Green Belt or countryside. It states that approval for sites in Green Belt areas should only be approved in very special circumstances, and that Traveller site development in the open countryside should be 'very' strictly limited. Green Belt land is also continually released for other development.

3.22 Land in development zones is very expensive so adding these further restrictions will make it almost impossible for Gypsies and Travellers to get planning permission on their own land in these areas.

3.23 At the same time the UK Government removed the requirement on local authorities to plan to meet the need for Traveller sites in full in areas where there is a large scale unauthorised site. FFT believes this to be tantamount to the introduction of ethnic quotas.

3.24 Recommendation – Revert back to planning policy that recognises the difficulties in obtaining planning permission for Gypsy and Traveller sites.

3.25 The Housing and Planning Act 2016 includes the removal of the statutory requirement on local authorities to carry out specific accommodation needs assessments for Gypsies and Travellers. The removal of the words 'Gypsy' and 'Traveller' is stripping the identity away from the Gypsy and Traveller communities.

3.26 We believe the UK Government's recent decision to remove the statutory requirement to conduct Gypsy and Traveller Accommodation Needs Assessments (in Housing Act 2006) will make it even less likely that the accommodation needs of Gypsies and Travellers will be met through the planning process.

¹ ICCPR Article 27 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.'

3.27 Recommendation – To reinstate the statutory duty to conduct specific Gypsy and Traveller Accommodation Assessments to ensure thorough assessments are conducted to identify the need for more pitches.

3.28 Research we have conducted this year shows only 9 out of 66 local authorities in the South East have allocated sufficient land in their local development plans to meet their identified need for sites. We suspect this is the case nationally. If the need is not properly identified then the situation will only continue to worsen.

3.29 Recommendation –The UK Government begin to monitor compliance with the requirement for local authorities to have a 5 year deliverable supply of sites and take action when local authorities are not, either by liaising directly with those authorities or implementing positive policy changes to address the issue.

3.30 FFT would point out that the lack of suitable accommodation for Gypsies and Travellers impacts profoundly on their life outcomes in other areas, particularly education and health and we examine these in the next sections of this document.

3.31 For all the reasons afore mentioned we do not believe the UK Government is doing enough to follow the 2012 UPR recommendations relating to poverty, welfare and an adequate standard of living with regard to the Gypsy and Traveller communities and accommodation. Particularly the recommendations to –

- Continue efforts in enhancing the welfare of all segments of society and protect their rights, (right or area 22.1, recommendation 110.42. Nepal, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19).
- Improve access to adequate housing (right or area 21, recommendation 110.103. Guarantee the enjoyment of economic, social and cultural rights, particularly health, education and adequate housing, Cuba, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19)
- Recognise the right to safe drinking water and sanitation (right or area 22.6, recommendations 110.104, Spain, and recommendation 110.105, Germany, A/HCR/21/9 - Para. 110 & A/HCR/21/9/Add.1 – Para. 22).

3.32 FFT also believes that the slow progress in pitch provision and negative policy changes are not compatible with Article 27 of the UN Convention on the Rights of the Child, which requires the protection of children's rights including to a standard of living adequate to a child's physical, mental, spiritual, moral and social development, and Article 31 the right to participate freely in cultural life.

4. Education

4.1 FFT does not believe the UK Government is following the 2012 UPR recommendations to –

- Strengthen measures aimed at reducing serious inequalities in access to education and employment, which still exist despite the adoption of the Equality Act (area or right 12.5, recommendation 110.102. Spain, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 21)
 - Adopt a strategy so that children of vulnerable groups are not excluded from the education system, (area or right 12.5, recommendation 110.106, Costa Rica, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19)
- 4.2 Gypsy, Roma and Traveller of Irish Heritage pupils are the lowest performing ethnic groups. This is something the UK Government recognise as they have reported (in their ICERD report paragraph 198) that - *'In 2014, 29% of Gypsy/Roma pupils and 38% of Traveller of Irish Heritage pupils reached or exceeded the expected level in Reading, Writing and Mathematics, compared to the national average of 79%. At key stage 4, 8.2% of Gypsy/Roma and 14% of Traveller of Irish Heritage pupils achieved the standard GCSE measure, compared to the national average of 56.6%.'*
- 4.3 The UK Government's responses towards addressing this inequality relies on generic approaches through the Special Educational Needs Programme and the Pupil Premium which provides some extra funding to individual schools for some pupils. This approach overlooks the well-founded learning through research in health and other fields and the Government's own report – *'Research Report DFE-RR043, Improving the outcomes for Gypsy, Roma and Traveller pupils: final'*². This report sets out clear guidance on good practice and evidence on improving attainment.
- 4.4 The research found that there are complex, inter-related reasons why the outcomes for Gypsy, Roma and Traveller pupils fall significantly below those for other children, and that some schools are employing a range of strategies in response.
- 4.5 Findings from this study are a further reminder to policy makers and those responsible for providing education that much more needs to be done to achieve equality in educational opportunities for Gypsy, Roma and Traveller pupils. Without a framework of targeted support at both local and national levels, the improvement of outcomes for these pupils is likely to remain unacceptably slow.
- 4.6 The research report notes a number of key factors –
- Local authorities need robust strategies to engage with pupils who are not on the rolls of schools, to ensure that their educational entitlement is safeguarded.
 - Developing relationships of trust through dialogue with families and community groups is important, so that community and parental scripts can be used as a way of opening positive discussion.

² *'Research Report DFE-RR043, Improving the outcomes for Gypsy, Roma and Traveller pupils: final report by Anne Wilkin, Chris Derrington, Richard White, Kerry Martin, Brian Foster, Kay Kinder and Simon Rutt (DfE 2010).'*

- A co-ordinated response between primary schools, secondary schools and local authorities is essential in order to further improve transfer rates and maintain pupil engagement through the secondary phase.
 - The use of Gypsy, Roma and Traveller role models to promote this message of aspiration and achievement in schools and in the community is a particularly important strategy, and one that could be further developed.
 - Above all, given that successful retention was associated with inclusive schools that reached out to parents, working with Gypsy, Roma and Traveller parents in equal partnership remains crucial.
- 4.7 Much good work along these lines was being done by specialist Traveller Education Services but most have now been abolished due to the lack of funding and/or a misplaced desire to 'mainstream' Traveller education.
- 4.8 Prior to the May 2015 General Election the then Government operated a Department for Education based Gypsy and Traveller Stakeholder Group, giving an opportunity for Government to engage with Gypsies, Travellers and organisations working on their behalf. The new Conservative Government has not yet re-established the Stakeholder Group.
- 4.9 FFT therefore does not believe the UK Government is following the 2012 UPR recommendations to (fully listed in 4.1) –
- adopt a strategy to combat exclusion of vulnerable groups from education
 - consider strengthening policies to combat discrimination in employment and education.
- 4.10 Recommendation – The UK Government takes all necessary steps to adopt an intensified approach towards preventing exclusion of Gypsy and Traveller pupils who are the groups with the highest rate of exclusion out of all pupils.**
- 4.11 Recommendation - The Department for Education based Gypsy and Traveller Stakeholder Group be reinstated.**
- 4.12 Recommendation –To reinstate and ring-fence the funding for the Traveller Education Services.**
- 4.13 Recommendation – To adopt the learning and good practice of the *Improving the outcomes for Gypsy, Roma and Traveller pupils: final report*.**
- 4.14 Introduce the Pupil Premium for all Gypsy, Roma and Traveller pupils.**

5. Health

- 5.1 Gypsies and Travellers have the poorest health outcomes in the UK, even in comparison with other ethnic groups. Health inequalities are compounded by poor access to health services, including ante-natal and maternity care.
- 5.2 Around 25% of the Gypsies and Travellers we supported last year reported to have a disability but we suspect many more of our clients have disabilities (many clients we support over the phone as they are in different parts of the country, and not all of our clients disclose information around disability).
- 5.3 FFT does not believe the UK Government is following the 2012 UPR recommendation, with regards to Gypsies and Travellers, to –
- Strengthen measures aimed at reducing serious inequalities in access to health, (*education and employment*), which still exist despite the adoption of the Equality Act (area or right 12.5, recommendation 110.102. (Spain); A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 21).
- This is outlined in this Health section of this report, along with a series of practical and policy related recommendations.
- 5.4 A recent FFT project funded by the Department of Health looked at how to influence the design and implementation of commissioning processes to address health inequalities experienced by Gypsies and Travellers. The project concluded that guidance was not enough to ensure inclusion, as there was no mechanism to ensure accountability.
- 5.5 The project was carried out at a critical stage in the evolution of policy development in relation to health and social care. It commenced shortly after the publication of the Health and Social Care Bill (2012 Act) which for the first time placed an ‘equality duty’ on the Secretary of State for Health. It also came on the heels of the Marmot Report ‘Fair Society, Healthy Lives’. Professor Sir Michael Marmot’s view, which he clarified after the publication of his report, is that whilst investment across the health gradient is required, it should be targeted proportionally to reduce health inequity where it is most extreme.
- 5.6 Whilst there is a lack of data sets there is general agreement that Gypsies and Travellers are amongst the most vulnerable to health inequity. N.B The NHS Data Model and Dictionary provides a reference point for assured information standards to support health care activities within the NHS in England.
- 5.7 Recommendation - That the ‘Gypsy/Traveller’ Data dictionary code is implemented as a matter of urgency.**
- 5.8 Apart from the work carried out by FFT itself, the UK Government’s report is fairly silent on what is being done to address the extreme health inequalities

experienced by Gypsies and Travellers, at least so far as England is concerned. There is a brief mention of the Travelling to Better Health Guidance published by the Welsh Government and of the work being carried out in Northern Ireland on which FFT makes no comment.

5.9 The FFT project has now come to an end and, whilst it clearly pointed the way to further work that needed to be done in this area, we do not have funding for any further work and nor does any other Gypsy or Traveller Group, or those previously funded as part of Inclusion Health. This is a matter that has been taken up by the Equalities and Human Rights Commission as we believe Department of Health did not fulfil its Public Sector Equality Duty.

5.10 Recommendation - The UK Government to be much more explicit about its proposals to tackle the health inequalities experienced by the travelling communities both locally through legislation that ensures vulnerable groups are included within Joint Strategic Needs Assessments, and nationally that it reinstates Inclusion Health to improve the health of the most vulnerable and excluded people.

5.11 Gypsy and Traveller communities' access to healthcare screening is poor due to a combination of factors including poor access to primary care and a culture of self-reliance that impact access to invitations to screening, responses to screening invitations and booking and attending screening appointments. 25,000 nomadic Gypsies and Travellers are without a lawful stopping place and if they have no fixed abode Gypsies and Travellers are highly unlikely to receive invitations to screening. There are currently no NHS England guidelines on how screening programmes should ensure they reach Gypsy Traveller communities.

5.12 Recommendation - Policy guidelines should be researched and developed in conjunction with Gypsy Traveller communities to improve access to screening.

5.13 From our research with Gypsy and Traveller communities we have found there to be a high level of bowel and bladder problems within Gypsy and Traveller communities, especially for those living on unauthorised encampments. These problems are related to the lack of toilet facilities, and the lack of these means it's difficult to carry out bowel cancer screening tests. We therefore do not believe the UK Government is following the recommendation to recognise the right to sanitation (recommendations 110.104, Spain, A/HCR/21/9 - Para. 110 & A/HCR/21/9/Add.1 – Para. 22).

5.14 Recommendation – The provision of porta-loo toilets on unauthorised encampments.

- 5.15 Through our Health Outreach project we have observed that many GP Surgeries ask Gypsy and Travellers for proof of address to register. This acts as a barrier to accessing healthcare and it is not a legal requirement.
- 5.16 **Recommendation - Implement a programme which informs all GP clusters within their Clinical Commissioning Group of their responsibilities and the law regarding access to primary care and registration.**
- 5.17 **Recommendation - The imperative to address the wider determinants of health inequality would be made more explicit by the development of a UK Roma Integration Strategy as required by the European Union Framework for Roma Integration. (N.B. The term Roma in this context is taken to include Romany Gypsies and Irish Travellers). Gypsy, Traveller and Roma groups have called for evidence of progress of this agenda (Gypsy, Traveller and Roma: Experts by Experience: Reviewing UK progress on European Union Framework for Roma Integration).**

6. Tackling racism, xenophobia and hate crime against Gypsies and Travellers

- 6.1 FFT does not believe the UK Government does enough to tackle racism, xenophobia and hate crime against Gypsies and Travellers and is not following the UPR 2012 recommendations to -
- Take all appropriate measures to combat prejudices and negative stereotypes, which may result in racial discrimination or incitement to racial hatred (right or area 9, recommendation 110.59, Turkey, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19).
 - Continue stepping up its efforts in tackling discrimination and inequality for all its citizens, (right or area 8, recommendation 110.50, Indonesia, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19).
 - Take effective measure to eliminate discrimination on the grounds of race, religion and nationality and to guarantee the rights of Muslims, Roma people and migrant workers (right or area 8, recommendation 110.53, China, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19).
- 6.2 Police Forces do not breakdown the ethnicity of those reporting race hate to record reports from Gypsies and Travellers. This makes it impossible to evidence the true extent to which Gypsies and Travellers are the victims of race hate.
- 6.3 We have not seen evidence of the UK Government doing enough to follow recommendation 110.60, with regards to the Gypsy Roma Traveller communities, to implement ECRI's recommendation to continue to monitor hate crimes and to work with the community to increase understanding of the impact of such offences, and to pursue efforts to improve the police gathering

of evidence of racist motivations (recommendation 110.60, area or right 9, Turkey, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19)

6.4 Recommendation - We believe the UPR 2012 recommendation 110.91 (listed below at bullet point) needs strengthening to include Gypsies and Travellers who are amongst the most discriminated groups.

- Strengthen data collection and maintain disaggregated data to better understand the scale and severity of hate crimes towards women, immigrants, religious minorities, persons with disabilities, and children (right or area 8, recommendation 110.91, United States of America, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 19).

6.5 Recommendation – The UK Government should investigate the possibility of introducing a stand-alone offence related to online hate crime.

6.6 Recommendation – The UK Government should work more proactively with social media companies such as Facebook and Twitter to develop adequate tools for controlling and limiting the incidence of incitement of racial hatred on social media.

7. Access to justice

7.1 The Legal Aid reforms in the UK have compromised the ability of Gypsies and Travellers to obtain justice and the right to a fair trial, as stipulated in Article 6 of the European Convention on Human Rights. The reforms affected changes to legal aid funding which will be covered in this section of the report.

7.2 The UK Government brought into force changes to judicial review funding which result in legal aid providers only being guaranteed being paid if they get permission in a case (apart from certain exceptions). This will result in many providers no longer taking judicial review cases as legal aid providers do not have the financial resources to take on work 'at risk'. Judicial review provides a means by which people can hold public authorities to account with regard to unlawful actions and decisions. Gypsies and Travellers are some of the most vulnerable members of our society and an inability to challenge an unlawful decision by a public body may put them at a particular disadvantage.

7.3 The Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA) 2012 section 10 states 'exceptional funding' (EF) can be granted when circumstances require. EF should act as a vital safety net to ensure that the failure to provide advice and representation to someone does not result in a breach of Article 6 of the European Convention on Human Rights and does not breach European Union Law.

7.4 EF ought to be available to cover matters involving: housing benefit; Gypsy and Traveller planning inquiries; disrepair issues on Gypsy and Traveller sites

which need to go to tribunal; other claims under the Mobile Homes Act 1983 (MHA). However, EF is very difficult to obtain and increasingly solicitors are unwilling to even try for EF. In these cases, Article 6 is breached because clients are not able to deal themselves with the relevant hearings.

- 7.5 When LASPOA 2012 came into force, it stipulated that only possession actions and serious disrepair cases under the MHA 1983 remain within scope for legal aid. Many Gypsies and Travellers living on local authority sites will now find themselves unable to enforce the important rights they have been given under the MHA 1983 because most MHA 1983 disputes are now out of scope for legal aid.
- 7.6 'Loss of home' remains within scope for legal aid but 'trespassers' are excluded from the definition of 'loss of home'. This means that Gypsies and Travellers on an unauthorised encampment facing county court eviction action by a local or other public authority where that authority are acting unlawfully (e.g. by flouting government guidance on welfare assessments) will be unable to get legal aid to defend that action in the county court.
- 7.7 The Low Commission on the Future of Advice and Legal Support was established to develop a strategy for access to advice and support on Social Welfare Law in England and Wales. The Low Commission called for the return of legal aid in Housing Law cases (see Low Commission *Tackling the Advice Deficit*, January 2014). Importantly this would include cases under the MHA 1983.
- 7.8 **Recommendation - The legal aid regulations relating to the payment for work done on judicial review claims pre-permission should be withdrawn and legal aid should be reinstated for judicial review subject to the usual merits criteria and eligibility provisions.**
- 7.9 **Recommendation - Trespassers are brought back within the definition of 'loss of home' for the purposes of legal aid.**
- 7.10 **Recommendation - As proposed by the Low Commission, Housing Law should be brought back within scope for legal aid.**
- 7.11 **Recommendation - As the Low Commission also recommended, there should be an urgent radical overhaul of the provision of Exceptional Funding.**

8. Prisons

- 8.1 According to the 2014 HM Inspectorate of Prisons report 'People in Prison: Gypsies, Romany and Travellers', Gypsies and Travellers are the most over-represented ethnic minorities in prisons.³

³ Gypsies and Travellers represent 5% of the prison population, yet 0.5 % of the general population.

- 8.2 Improved educational and training programmes for people who have left prison would be beneficial, given that according to the last Census in 2011, Gypsies and Irish Travellers had the highest proportion of people with no qualifications for any ethnic group (60%)⁴. Illiteracy is a huge issue for our clients, over half of whom are illiterate or partially literate.
- 8.3 **Recommendation - The UK Government should fund targeted work to address the causes of the over-representation of Gypsies and Travellers in the prisons system and to develop good practice solutions aimed at reducing re-offending.** This would be in line with the 2012 UPR recommendation to improve social integration programmes for people who have left prison (recommendation 110.89. area or right 12.6, Nicaragua, A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 13)

9. Conclusions

- 9.1 For the reasons set out in this report FFT does not believe the UK Government is following the previous UPR recommendations as listed throughout this report.
- 9.2 For the reasons set out in the report above, FFT does not believe that the human rights of Gypsies, Travellers and Roma are adequately protected in the UK. On the contrary, the UK Government has recently introduced policies and legislative changes which are, by their nature, discriminatory against Romany Gypsies and Irish Travellers and inhibit their ability to maintain their cultural traditions.
- 9.3 FFT does not believe that the UK Government's Integration Strategy is delivering race equality for Gypsies, Travellers and Roma. Contrary to the requirement of the EC, the UK Government has declined to produce a Roma Integration Strategy and consequently is pursuing no coherent joined-up approach towards addressing the extreme inequalities experienced by Gypsies, Travellers and Roma.
- 9.4 There is no evidence that the UK Government is tackling incitement to racial hatred and hate crime against Gypsies, Travellers and Roma. Such hate crimes and hate incidents are not being effectively monitored and there are no robust statistics available about the extent of this problem. FFT is aware of huge under-reporting of hate crime and hate incidents by Gypsies and Travellers.
- 9.5 The lack of progress in respect of Housing, Education and Health, and detrimental effects of the Legal Aid Reform is evidenced in detail in the main body of this report.

⁴ Gypsies and Travellers were also the lowest proportion of respondents who were economically active, at 47%, and were the ethnic minorities with the highest levels of self-employment out of any group at 26%.

- 9.6 FFT believes the UPR process should adopt the recommendations throughout this report so that the human rights of Gypsy Roma and Traveller can be safeguarded in the UK.