



EQUAL RIGHTS TRUST

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Equal Rights Trust

Alternative report submitted to the 114th session of the
Human Rights Committee in relation to the
seventh periodic report submitted by:

The United Kingdom

May 2015

Statement of Interest

1. The Equal Rights Trust (the Trust) submits this alternative report to the United Nations Human Rights Committee (the Committee) commenting on the seventh periodic report of the United Kingdom.
2. The Equal Rights Trust is an independent international organisation combating discrimination and advancing equality worldwide. The Trust promotes a unified human rights framework on equality, focusing on the complex relationships between different types of disadvantage and developing strategies for translating the principles of equality into practice.
3. This submission focuses on the extent to which the United Kingdom has met its obligations to respect, protect and fulfil the right to non-discrimination. Thus, the submission is primarily concerned with the United Kingdom's performance under two Articles of the International Covenant on Civil and Political Rights (the Covenant): first, Article 2(1) of the Covenant which requires that states parties respect and ensure the enjoyment of the rights provided in the Covenant without distinction; and second, Article 26 of the Covenant which, as the Committee has stated, provides an "autonomous right" to non-discrimination.¹
4. In assessing the United Kingdom's adherence to its obligations under Articles 2(1) and 26, this alternative report relies, in part, on the interpretation of these provisions which has been provided by the Committee in its General Comment No. 18.²

¹ Human Rights Committee, *General Comment No. 18: Non-discrimination*, 1989, Para 12.

² Human Rights Committee, *General Comment No. 18: Non-discrimination*, 1989.

5. This alternative report also relies upon the Declaration of Principles on Equality (the Declaration),³ a document of international best practice on equality. The Declaration was drafted and adopted in 2008 by 128 prominent human rights and equality advocates and experts, and has been described as “the current international understanding of Principles on Equality”.⁴ It has also been endorsed by the Parliamentary Assembly of the Council of Europe.⁵
6. This alternative report first examines the principal means by which the rights to equality and non-discrimination are enforced in the United Kingdom: the Equality Act 2010. Equality Act 2010 consolidated a number of pre-existing pieces of anti-discrimination legislation. This alternative report reviews three provisions within the Equality Act which have not been brought into force by the United Kingdom government, which the Equal Rights Trust believes are vital in order for the United Kingdom fully to meet its obligations to protect and fulfil the right to non-discrimination.
7. This alternative report then examines particular discrimination and disadvantage suffered by the Roma community in the United Kingdom. The Trust is currently engaged in a project working with Roma organisations and statutory agencies to combat discrimination and promote equality for Roma individuals and communities and therefore has a particular insight into the discrimination which individuals currently face on the basis of their Roma status.

The Equality Act 2010

8. As noted above at paragraph 6, the principal means by which the right to non-discrimination, as set out in Article 26 is enforced is through the Equality Act 2010. The Equality Act 2010 consolidated a number of pre-existing pieces of anti-discrimination legislation and, as noted in paragraph 303 of the United Kingdom’s state party report to the Committee, was largely brought into force in October 2010.⁶
9. However, a number of provisions of the Act have yet to be brought into force and thus the full potential offered by the Act to eliminate discrimination and advance equality is not being utilised. In 2013, the Committee on the Elimination of Discrimination against Women expressed “[concern] that some provisions of the Equality Act have not entered into force” and recommended that the United Kingdom bring them into force.⁷ To date, these provisions have still not been brought into force and, instead, the Equality Act 2010 has undergone continued, piecemeal amendment since October 2010 weakening the protections which it offers.

³ *Declaration of Principles on Equality*, The Equal Rights Trust, London, 2008.

⁴ *Naz Foundation v Government of NCT of Delhi and Others* WP(C) No.7455/2001, Para 93.

⁵ Parliamentary Assembly of the Council of Europe, *Resolution and Recommendation: The Declaration of Principles on Equality and activities of the Council of Europe*, REC 1986 (2011), 25 November 2011, available at: http://assembly.coe.int/ASP/Doc/ATListingDetails_E.asp?ATID=11380.

⁶ Human Rights Committee, *Seventh periodic reports of States parties due in July 2012: United Kingdom*, UN Doc. CCPR/C/GBR/7, 29 April 2013.

⁷ Committee on the Elimination of Discrimination against Women, *Concluding Observations: United Kingdom*, UN Doc. CEDAW/C/GBR/CO/7, 30 July 2013, Paras 16 and 17.

Sections 1 to 3: Socio-economic inequalities

10. "Economic and social situation" is not a ground explicitly included in Article 2(1) or 26 of the Covenant, however the Committee on Economic, Social and Cultural Rights (the CESCR) has stated in its General Comment No. 20 that discrimination on the basis of "economic and social situation" is prohibited by the International Covenant on Economic, Social and Cultural Rights (ICESCR) by virtue of the term "other status" in Article 2(2) of the Covenant. As the CESCR has noted:

A person's social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education and health care as others, as well as the denial of or unequal access to public places.⁸

11. The Trust believes that the similar nature and purpose of Article 2(2) of the International Covenant on Economic, Social and Cultural Rights and Article 2(1) of the International Covenant on Civil and Political Rights indicates that the two articles should be construed consistently with each other, and that therefore the interpretations of the articles by the relevant Treaty Bodies should be similarly consistent.
12. As such, the Trust believes that discrimination on grounds of a person's economic or social situation should be prohibited by virtue of Articles 2(1) and 26 of the Covenant as it is by virtue of Article 2(2) of the ICESCR.
13. Section 1(1) of the Equality Act 2010 would introduce a new public sector duty regarding inequalities which result from socio-economic disadvantage (the socio-economic duty). It reads:

An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

14. The remainder of section 1 sets out the authorities to which the duty would apply.⁹ Section 2 would allow the Secretary of State to amend the list of authorities in section 1. Section 3 would provide that a failure in respect of a performance of a duty under section 1 would not confer a cause of action at private law. This means that individuals would not be able to claim damages for breach of statutory duty for a breach of this duty. A person would, however, be able to bring judicial review proceedings against a public authority which is covered by the duty, if he or she believed that the public authority had not considered socio-economic disadvantage when taking decisions of a strategic nature.

⁸ Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights*, UN Doc. E/C.12/GC/20, 2 July 2009, Para 35.

⁹ These authorities are specified in subsection 1(3) as (a) a Minister of the Crown; (b) a government department other than the Security Service, the Secret Intelligence Service or the Government Communications Head-quarters; (c) a county council or district council in England; (d) the Greater London Authority; (e) a London borough council; (f) the Common Council of the City of London in its capacity as a local authority; (g) the Council of the Isles of Scilly; and (k) police and crime commissioners established in England.

15. In November 2010, the Home Secretary announced that the government would not be bringing sections 1 to 3 into force, stating:

Equality has become a dirty word because it has come to be associated with the worst aspects of pointless political correctness and social engineering. Just look at the socio-economic duty. In reality, it would have been just another bureaucratic box to be ticked. It would have meant more time filling in forms and less time focusing on policies that will make a real difference to people's life chances.¹⁰

16. The Trust strongly supports the socio-economic duty as a progressive measure recognising the link between identity-based discrimination and socio-economic disadvantage and the need to coordinate efforts to address these two forms of inequality. Principle 14 of the Declaration of Principles on Equality highlights the link between these two forms of inequality, stating that: “[a]s poverty may be both a cause and a consequence of discrimination, measures to alleviate poverty should be coordinated with measures to combat discrimination, in the pursuit of full and effective equality”.
17. This link between discrimination and one form of socio-economic disadvantage – income poverty – has also been noted by the UN Independent Expert on the question of extreme poverty and human rights who, in her report of August 2008 to the General Assembly, stated:

Patterns of discrimination keep people in poverty which in turn serves to perpetuate discriminatory attitudes and practices against them. In other words, discrimination causes poverty but poverty also causes discrimination. As a result, promoting equality and non-discrimination is central to tackling extreme poverty and promoting inclusion. Measures to eliminate poverty and efforts to eliminate all forms of discrimination must be understood as mutually reinforcing and complementary.¹¹

18. One important indicator of socio-economic disadvantage in the United Kingdom is the level of income poverty. Levels of both absolute and relative poverty remain high. Absolute poverty is generally measured as individuals with household income below 60% of 2010–11 median income in real terms. The Institute of Fiscal Studies has reported that, in the latest year for which data is available (2012–13), the number of individuals living below this poverty line was 10.6 million (16.8% of the UK population) before housing costs, rising to 14.6 million (23.2% of the UK population) when housing costs are included.¹²
19. For relative poverty, measured as individuals with household income below 60% of contemporary media income, the number of individuals is slightly lower: 9.7 million (15.4% of the UK population) before housing costs and 13.2 million (21.0% of the UK population) when housing costs are included.¹³

¹⁰ Home Office, “Socio-economic duty to be scrapped”, 17 November 2010, available at: <https://www.gov.uk/government/news/socio-economic-duty-to-be-scrapped--2>.

¹¹ Report of the UN Independent Expert on the question of extreme poverty and human rights, UNGA 63rd Session, 2008, UN Doc. A/63/274, 13 August 2008, Paras 29–30.

¹² Institute for Fiscal Studies, *Living Standards, Poverty and Inequality in the UK: 2014*, 2014, p. 58.

¹³ *Ibid.*, pp.78-79.

20. In this context, the Trust was disappointed that the previous government chose not to implement this important and progressive provision, and by the Secretary of State's reference to the provisions as "just another bureaucratic box to be ticked". The failure to implement the socio-economic duty represents a failure on the part of the United Kingdom to take all possible measures to ensure that the right to non-discrimination is effectively protected and fulfilled.
- 21. The Equal Rights Trust urges the Committee to recommend to the United Kingdom to reconsider its approach towards the socio-economic duty in section 1 of the Equality Act 2010 and to implement it as soon as possible.**

Section 14: Dual Discrimination

22. Section 14 of the Equality Act 2010 would prohibit discrimination where it is based on a combination of two grounds. Thus, the provision would provide protection from "dual discrimination", a limited form of multiple, or intersectional, discrimination.
23. In its Plan for Growth published in March 2011, however, the previous government announced that it would not be implementing section 14 in order to "minimise regulatory burdens"¹⁴ and to save "business £3 million per year".¹⁵ In May 2012 the Home Office announced, following a review of the Equality Act 2010, that it intended only to "delay commencement" of the provision.¹⁶ The position of the new government's is not known.
24. There is an international expert consensus on the importance of providing protection against multiple discrimination.¹⁷ The definition of discrimination in Principle 5 of the Declaration of Principles on Equality contains a list of grounds upon which discrimination must be prohibited and also includes the phrase "(...) or a combination of any of these grounds (...)". In addition, Principle 12 requires states to ensure that laws and policies provide effective protection against multiple discrimination and that "[p]articular positive action measures, as defined in Principle 3, may be required to overcome past disadvantage related to the combination of two or more prohibited grounds". Dimitrina Petrova has elaborated on the importance of Principle 12 in the legal commentary on the Principles.

This Principle addresses the need for any legal provisions promoting equality to take into account evolving social phenomena that are manifested as discriminatory acts or practices. The law should recognise that individuals have multiple identities and cannot always

¹⁴ Her Majesty's Treasury and the Department for Business, Innovation and Skills, *The Plan for Growth*, March 2011, p. 23, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/184602/2011budget_growth.pdf.

¹⁵ *Ibid.*, p. 53.

¹⁶ Home Office Ministerial Statement, "Equalities/Equality and Human Rights Commission", 15 May 2012, available at: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120515/wmstext/120515m0001.htm#12051577000007>.

¹⁷ See, for example, Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 28 on the core obligations of States parties under article 2*, CEDAW/C/GC/28, 2010, Para 18; Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights*, UN Doc. E/C.12/GC/20, 2 July 2009, Paras 17 and 27.

be classified according to or as defined by a single characteristic. Multiple discrimination is the term used to describe: a) discrimination on more than one ground in a cumulative (additive) sense, e.g. where a woman is discriminated against on grounds of her gender and, separately, also on grounds of her race (disability, age. etc), and in this case the discriminator otherwise discriminates both against women and against racial minorities; b) discrimination on more than one ground in a syncretic sense, based on a combination of grounds, where it is only the combined characteristics of, for example, gender and race that trigger discrimination, while each of them alone does not.¹⁸

25. The existence of multiple discrimination in the United Kingdom is well-documented. For example, research carried out by the Equality and Human Rights Commission showed that women of Indian origin were paid, on average, 18% less than men of the same ethnic background.¹⁹ An inquiry in 2012-13 by the All Party Parliamentary Group on Race and Community found that:

[T]he unemployment rates of Black, Pakistani and Bangladeshi heritage women have remained consistently higher than those of white women since the early 1980s. Indeed, despite the more frequent attention given to the unemployment rates of ethnic minority men, the overall unemployment rate of ethnic minority women is actually higher, 14.3% compared to 13.2%. When looking at the groups which are the focus of this inquiry – Black, Pakistani and Bangladeshi women – these women are far more likely to be unemployed than both white men and white women. Pakistani and Bangladeshi women are particularly affected, with 20.5% being unemployed compared to 6.8% of white women, with 17.7% of Black women also being unemployed.²⁰

26. The Trust is therefore disappointed that section 14 of the Equality Act 2010 has not been implemented and that the law does not therefore recognise and prohibit multiple discrimination.
- 27. The Equal Rights Trust urges the Committee to recommend to the United Kingdom to reconsider its approach towards multiple discrimination in section 14 of the Equality Act 2010 and to implement the provision as soon as possible.**

Sections 78: Gender Pay Gap

28. Despite the enactment of the Equal Pay Act 1970, which prohibited discrimination on grounds of gender in pay and remuneration, there remains in the United Kingdom a gender pay gap, estimated in 2014 by the Office of National Statistics to be approximately 9.4%

¹⁸ Petrova, D. "Declaration of Principles on Equality: A Contribution to International Human rights, Commentary" in *Declaration of Principles on Equality*, the Equal Rights Trust, London, 2008, pp. 38 – 39.

¹⁹ Equality and Human Rights Commission, *Research Report 9: Pay Gaps across Equalities Areas*, 2008, p. ix, available at: http://www.equalityhumanrights.com/uploaded_files/pay_gaps_across_equalities_areas.pdf.

²⁰ All Party Parliamentary Group on Race and Community, *First Report of Session 2012–2013: Ethnic Minority Female Unemployment: Black, Pakistani and Bangladeshi Heritage Women*, 2013, p. 4, available at: <http://www.nbpa.co.uk/wp-content/uploads/2012/12/APPGfemaleunemploymentReport-2012.pdf>.

based on median hourly earnings excluding overtime.²¹ For some professions, such as skilled trade occupations, the gap is as high as almost 25%.²²

29. Section 78 of the Equality Act 2010 would allow the government to introduce secondary legislation which would:

(...) require employers to publish information relating to the pay of employees for the purpose of showing whether, by reference to factors of such description as is prescribed, there are differences in the pay of male and female employees.

30. The secondary legislation would not apply to an employer who has fewer than 250 employees, nor to certain specified public authorities.

31. The government elected in 2010 chose not to implement section 78 of the Equality Act 2010. Instead, the government introduced new legislation: a new section 139A in the Equality Act 2010 was introduced by the Enterprise and Regulatory Reform Act 2013 which would allow the government to introduce secondary legislation which:

(...) require[s] an employment tribunal to order the respondent to carry out an equal pay audit in any case where the tribunal finds that there has been an equal pay breach.

32. The secondary legislation (the Equality Act 2010 (Equal Pay Audits) Regulations 2014) came into force on 1 October 2014.

33. The Trust believes that the persistence of the gender pay gap, despite legislation prohibiting discrimination in pay and remuneration in force for over 40 years, necessitates strong and progressive measures so that the United Kingdom can fulfil its obligations under Articles 2(1) and 26. The Trust believes that the mandatory equal pay audits provided for in section 78 of the Equality Act 2010 would provide for a quick and effective means by which employers who were discriminating against women in pay and remuneration could be identified. Indeed, it is likely, given the difficulty in some organisations in establishing the pay of different individuals, the pre-emptive nature of the mandatory audits would have exposed such practices in circumstances where this information would otherwise have been unavailable. Moreover, mandatory audits would provide a powerful incentive for employers proactively to tackle pay discrimination in their organisations; and would allow women to take into account the gender pay gap of a particular organisation when considering their employment options.

34. The approach favoured by the government by which pay audits will only take place after an employer had lost an equal pay case at an employment tribunal is notably weaker in that it only addresses discrimination in pay and remuneration once an employee has taken a case to an employment tribunal. The incentive for employers immediately to take proactive steps to tackle pay discrimination is therefore much diminished. Further, women who wish to know the gender pay gap of a particular organisation prior to seeking employment there will not be able to find out unless that organisation has previously lost an equal pay claim.

²¹ Office for National Statistics, *Annual Survey of Hours and Earnings, 2014 Provisional Results*, 19 November 2014, p. 10.

²² *Ibid.*, p. 17.

35. The Trust is therefore disappointed that the government has decided not implement section 78 of the Equality Act 2010 and has instead opted for a much weaker, and much less effective, regime via the new section 139A of the Equality Act 2010.
- 36. The Equal Rights Trust urges the Committee to recommend to the United Kingdom to reconsider its approach towards the gender pay gap and equal pay audits and to implement section 78 of the Equality Act 2010 as soon as possible.**

Section 124: Power of Employment Tribunals to make “Wider Recommendations”

37. Section 124 of the Equality Act 2010 (the 2010 Act) sets out the remedies that an employment tribunal may provide if it finds that there has been a contravention of Part 5 of the 2010 Act (which governs work, including employment, occupational pension schemes and equality of terms).
38. Originally, subsection 124(2) provided for three remedies that an employment tribunal may provide. These are:
- (a) a declaration as to the rights of the complainant and the respondent in relation to the matters to which the proceedings relate;*
 - (b) an order that the respondent pay compensation to the complainant; and*
 - (c) an appropriate recommendation.*
39. Subsection 124(3) defined an “appropriate recommendation” as
- [A] recommendation that within a specified period the respondent takes specified steps for the purpose of obviating or reducing the adverse effect of any matter to which the proceedings relate—*
- (a) on the complainant;*
 - (b) on any other person.*
40. Section 124(7) provides that where the respondent fails to comply with a recommendation relating to the complainant, without reasonable excuse, the tribunal may either increase the amount of compensation that must be paid to the complainant, or, if no such compensation order was originally made, to make one. Failure to comply with a recommendation relating to other persons (known as a “wider recommendation”) does not, however, carry any sanction.
41. In 2015, however, the government introduced legislation amending section 124. Section of the Deregulation Act 2015 – when brought into force – will insert the words “on the complainant” after the words “adverse effect” in section 124(3), and delete paragraphs (a) and (b).²³ The consequence would be that employment tribunals would no longer be able to make recommendations that the respondent take steps in relation to persons other than the complainant.

²³ Amended section 124(3) will read “An appropriate recommendation is a recommendation that within a specified period the respondent takes specified steps for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the proceedings relate.”

42. There is now well-established international human rights law and best practice on the remedies and sanctions that states should ensure are available to those whose rights to equality and non-discrimination have been violated. It is not sufficient merely for an individual victim of discrimination to be compensated: states are also under an obligation to eliminate discriminatory practices and ensure non-repetition of the discrimination. Principle 22 of the Declaration of Principles on Equality states:

*Sanctions for breach of the right to equality must be effective, proportionate and dissuasive. Sanctions must provide for appropriate remedies for those whose right to equality has been breached including reparations for material and non-material damages; **sanctions may also require the elimination of discriminatory practices and the implementation of structural, institutional, organisational, or policy change that is necessary for the realisation of the right to equality.** (Emphasis added)*

43. This principle draws inspiration from the Covenant: Articles 2(3)(a) and (c) of the Covenant require states to ensure that those whose rights are violated should “have an effective remedy” and that the competent authorities shall enforce such remedies when granted. In its General Comment No. 31, the Committee has stated that:

*16. Article 2, paragraph 3, requires that States Parties make reparation to individuals whose Covenant rights have been violated. (...) The Committee notes that, where appropriate, reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, **guarantees of non-repetition and changes in relevant laws and practices**, as well as bringing to justice the perpetrators of human rights violations.*

*17. In general, the purposes of the Covenant would be defeated without an obligation integral to article 2 to take measures to prevent a recurrence of a violation of the Covenant. **Accordingly, it has been a frequent practice of the Committee in cases under the Optional Protocol to include in its Views the need for measures, beyond a victim-specific remedy, to be taken to avoid recurrence of the type of violation in question.** Such measures may require changes in the State Party's laws or practices. (Emphasis added)*

44. Both Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women have also stated that the protections from discrimination contained within their respective treaties require effective remedies which include guarantees of non-repetition i.e. remedies which go beyond the victim to address the underlying cause of the discrimination.²⁴

45. The effect of section 2 is to limit employment tribunals' freedom, such that they would only be able to provide remedies which are victim-specific and not remedies which would address the structural, institutional, organisational, or policy change that is necessary to

²⁴ See Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights*, UN Doc. E/C.12/GC/20, 2009, Para 40; and Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 28: On the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, UN Doc. CEDAW/C/2010/47/GC.2, 2010, Para 32.

avoid others in, or affected by, the organisation from suffering from similar discrimination in the future. Not only does this weaken the ability of employment tribunals to tackle discrimination in the workplace more widely, but it leaves the United Kingdom in clear violation of its obligations under Covenant which the Committee has explicitly stated requires the availability of “measures, beyond a victim-specific remedy, to be taken to avoid recurrence of the type of violation in question”.

46. **The Equal Rights Trust urges the Committee to recommend to the United Kingdom that section 2 of the Deregulation Act 2015 not be brought into force and that section 124 of the Equality Act 2010 continue to allow for “wider recommendations” to be made by employment tribunals.**

Roma, Gypsies and Travellers

47. Whilst many individuals and groups in the United Kingdom are vulnerable to discrimination, one of the most disadvantaged groups is the Roma, Gypsy and Traveller (RGT) community. As noted in the Committee’s List of Issues, social stigma and discrimination against Roma, Gypsy and Traveller individuals and communities results in numerous difficulties and obstacles in a variety of areas of life.²⁵

Racism and Hate Crimes

48. Racism towards the RGT community is “common, frequently overt and seen as justified”²⁶ and there are many reports of racist abuse and harassment towards RGT individuals.²⁷ A 2014 report indicated that the most common hate speech in the United Kingdom on Twitter was directed towards Gypsies and Travellers.²⁸ Even so, it is generally accepted that hate crime against RGT individuals is under-reported with the College of Policing attributing this to “a historically poor level of positive, cooperative engagement with the police” and “inadequate or insensitive police responses when such a crime is reported”.²⁹

Treatment by Police

49. Not only is racism from members of the public experienced, but also from people in authority, including the police.³⁰ It has been said that the police have “particularly

²⁵ Human Rights Committee, *List of issues in relation to the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*, UN Doc. CCPR/C/GBR/Q/7, 20 November 2014, Para 6.

²⁶ Equality and Human Rights Commission, *Research Report 12: Inequalities experienced by Gypsy and Traveller communities: A review*, 2009, p. v, available at: http://www.equalityhumanrights.com/sites/default/files/documents/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf.

²⁷ Laine, Dr. P, Spencer, S. and Jones, A. *Gypsy, Traveller and Roma: Experts by Experience: Reviewing UK Progress on the European Union Framework for National Roma Integration Strategies*, 2014, pp. 19-20, available at: http://ww2.anglia.ac.uk/ruskin/en/home/news/roma_report.Maincontent.0007.file.tmp/Experts%20by%20Experience.pdf.

²⁸ Shubber, K., “Who is the number one target of hate speech on Twitter?”, *Wired*, 18 June 2014, available at: <http://www.wired.co.uk/news/archive/2014-06/18/hatebrain-stats-uk>.

²⁹ College of Policing, *Hate Crime Operational Guidance*, 2014, p. 31.

³⁰ See above, note 25, pp. 118, 153.

embedded racist cultures and practices”.³¹ As noted above, the College of Policing has accepted there has been “a historically poor level of positive, cooperative engagement with the police”.³²

Housing and Accommodation

50. Roma, Gypsies and Travellers face challenges in housing and accommodation, although the specific reasons vary. For Roma, who are generally not nomadic, low quality housing, discrimination and the high cost of housing have been identified as key factors.³³ Further, as a result of racist abuse and harassment, some Roma families are forced out of their houses and, in some cases, become homeless as a result.³⁴
51. For Gypsies and Travellers, who are generally nomadic, the lack of appropriate trailer sites has a “significant detrimental impact” on their lives.³⁵ Although a National Policy Framework and Planning Policy for Traveller Sites was adopted in 2012 sets out as one of its key principles collaboration between local authorities, stakeholders, community groups and support organisations to as to encourage fair and inclusive planning strategies. However, many community members consider that this is not happening.³⁶ A study in the South East and East of England indicated that only four out of 115 authorities surveyed had implemented the policy.³⁷
52. Despite the United Kingdom’s assertion that it is “very concerned by inequalities experienced by Gypsies and Travellers”,³⁸ the government has, in fact, taken actions which have further hindered the situation. Between September 2013 and September 2014, the Secretary of State for Communities and Local Government employed a policy whereby he would personally determine appeals by Romany Gypsies and Irish Travellers to develop sites on certain areas of protected land which led to significant delays in the hearing of those appeals. There was no similar policy, and consequently no delay, in relation to habitations other than traveller sites within the Green Belt. In January 2015, the High Court of Justice of England and Wales held that the conduct of the Secretary of State was “patently discriminatory”, contrary to section 19 of the Equality Act 2010.³⁹ The High Court held that the Secretary of State had failed to heed the warnings of his department about the possible disadvantage caused to Romany Gypsies and Irish Travellers by this practice and fell far short of demonstrating that he had considered whether his response was proportionate to his concerns over traveller sites. In fact, there was no evidence that the Secretary of State

³¹ *Ibid.*, p. 214.

³² College of Policing, *Hate Crime Operational Guidance*, 2014, p. 31.

³³ See above, note 26, p. 25.

³⁴ See above, note 25, p. 167.

³⁵ See above, note 26, p. 25.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Human Rights Committee, *List of issues in relation to the seventh periodic report of United Kingdom, British Overseas Territories and Crown Dependencies: Addendum: Replies of United Kingdom, British Overseas Territories and Crown Dependencies to the list of issues*, 25 March 2015, Para 40.

³⁹ *Moore and Coates v Secretary of State for Communities and Local Government* [2015] EWHC 44 (Admin).

had any regard to the need to eliminate discrimination and advance equality, as he was required to do by the PSED contained in section 149 of the Equality Act 2010.

Employment

53. The 2011 census showed that “Gypsy or Irish Traveller” was the ethnic group in England and Wales with the lowest proportion of respondents who were economically active at 47%, compared to 63% per cent for England and Wales as a whole.⁴⁰ Although hard evidence is difficult to come by, there is a great deal of anecdotal evidence from across the United Kingdom that individuals known to be RGT encounter discrimination when applying for paid work with numerous examples of examples abound of people not being called for interviews or of jobs being “mysteriously” filled.⁴¹

Education

54. Brian Foster, a consultant working with the Gypsy, Roma and Traveller communities, a Trustee of the Irish Traveller Movement in Great Britain and chairperson of the Advisory Council for the Education of Romany and Other Travellers, and Peter Norton, a Trustee of the United Kingdom’s longest established charity working with the Roma community, the Roma Support Group, have said that “in the field of education, Gypsy, Roma and Traveller communities suffer manifestly unequal outcomes”.⁴² There are a variety of factors contributing to this:

- (a) There are difficulties in registering as self-employed (the preferred form of employment for many RGT individuals) and the complexities in obtaining benefit entitlement mean many RGT experience financial challenges. Without access to benefits in order to supplement self-employment income, costs of school uniforms, sports equipment and footwear may be prohibitively expensive.⁴³
- (b) Relations between schools and RGT parents in secondary education are poorer than with other parents, in part because many RGT families do not consider secondary education to be important for their children. Gypsy, Roma and Traveller pupil, particularly boys, have the highest exclusion rates of all ethnic groups.⁴⁴
- (c) There are high levels of bullying and racism. Almost 90% of children from a Roma, Gypsy or Traveller background have suffered racial abuse at school and nearly two thirds have been bullied or suffered physical attacks.⁴⁵

- 55. The Equal Rights Trust urges the Committee to recommend to the United Kingdom that further steps be taken to address the high levels of discrimination and**

⁴⁰ Office for National Statistics, “What does the 2011 Census tell us about the Characteristics of Gypsy or Irish Travellers in England and Wales?”, 2014, p. 9, available at: http://www.ons.gov.uk/ons/dcp171776_349352.pdf.

⁴¹ *Ibid.*, pp. 40-41.

⁴² Foster, B. and Norton, P., “Educational Equality for Gypsy, Roma and Traveller Children and Young People in the UK”, *The Equal Rights Review*, Volume 8 (2012), p. 85.

⁴³ *Ibid.*, p. 96.

⁴⁴ *Ibid.*, p. 93.

⁴⁵ Ureche, H. and Franks, M., *This is Who We Are: A study of the views and identities of Roma, Gypsy and Traveller young people in England*, The Children’s Society, 2007.

disadvantaged faced by Roma, Gypsies and Travellers, including (i) hate crimes; (ii) ill-treatment by police; (iii) in housing and accommodation; (iv) in employment; and (v) in education.