



## Irish Traveller Movement in Britain

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

Tel: 020 7607 2002 Fax: 020 7607 2005

Email: [info@irishtraveller.org.uk](mailto:info@irishtraveller.org.uk)

[www.irishtraveller.org](http://www.irishtraveller.org)

# Briefing Paper, Irish Travellers: Can Europe help?

Meeting between British/Irish Coalition  
and European Commission



19<sup>th</sup> November 2010

## Recommendations

- We recommend more pressure should be put on the UK and Ireland to adopt a strategic plan for ensuring inclusion of Traveller's in both countries, and we would welcome any assistance that the EU could provide with this.
- We recommend that the EU should assist Traveller NGO's in increasing visibility of Travellers and the discrimination they face in European society.
- We recommend that the EU should refer to Travellers as an individual group and not under the generic definition of Roma which would help raise the visibility of Travellers and at the same time, ensure that policies which do not apply to Travellers mistakenly fall within the remit of "Roma" policies e.g. desegregation policy for Roma.
- Linked to the above, we would welcome any call for assistance that we can provide to the Commission in identifying Traveller specific policy.

## **Introduction**

It has been evidenced that both the Irish Traveller communities living in the UK and Ireland are subject to chronic and persistent racism and discrimination. This is despite the fact that there are a number of race and anti-discrimination directives and legislation coming from Europe which have been incorporated into National law both in the UK and Ireland. However, this has not resulted in any noticeable advancement, in real terms, of the position of Irish Travellers.

The situation of Irish Travellers in the UK and Ireland is very complex. Due to the fact that Irish Travellers are the victims of deeply entrenched negative society-wide perceptions and stigmatism. This often results in decisions being taken by Government which aim to placate the wider settled community, rather than addressing the fundamental socio-economic disadvantages and multi-faceted discrimination which the Travellers face. As a result, aside from the extreme discrimination which Travellers face by society as a whole, there has additionally been there has been a chronic under-investment in service provision for Irish Travellers particularly living in Britain and action is urgently needed to rebalance this.

It is against this backdrop of persistent discrimination facing Irish Travellers in the UK and Ireland, that observers in both countries have noted the EU's adoption of a number of European initiatives targeted at the "Roma" which has raised the profile and visibility of discrimination faced by Roma in some countries and Europe, and this has been complemented by pressure put on the respective Governments by the EU institutions. However, this visibility and pressure has not resulted in similar actions with respect to the UK and Ireland.

Therefore the aim of this paper and meeting is to highlight the situation in the UK and Ireland, in order to find a common approach and way forward in raising the profile of Irish Travellers in the European context and also, in determining whether the EU can assist in making our respective Governments accountable for failings in both countries.

## **Identifying chronic exclusion and Racism-UK and Ireland**

Both the Advisory Committee of the FCNM and ECRI have assessed the situation of Travellers in Ireland in their 2006 reports.<sup>1</sup> They have reported that Travellers have been subjected to discrimination and racism in the fields of education, employment, housing, health care, media reporting and participation in decision making. The proportion of Traveller children entering and completing secondary education is substantially below the national average, although their participation rate has increased significantly in recent years. In 2002, 72 % of Traveller men and 60 % Traveller women were unemployed. According to the Equality Tribunal's Annual Report 2006, 18 cases related to the Traveller ground and 25 cases related both to the Traveller and racism grounds under the Equal Status Acts were brought to the Tribunal in 2006. Also in 2006, the Equality Authority held 88 case files related to the Traveller ground under the Equal Status Acts. Linked to this, the European Commission Against Racism and Injustice has identified Travellers as particularly vulnerable to racism and intolerance in Ireland (CRI (2007)24). Moreover, ECRI has noted that some Irish media have portrayed asylum-seekers, refugees, migrant workers, Travellers and Black and ethnic minorities in a negative light.

In the field of housing, a report by the Commissioner for Human Rights stated 'there have been short-comings in the implementation of statutory obligations for the provision of Traveller stopping sites and group accommodation by local authorities. The life expectancy of Travellers is estimated to be significantly lower than that of the majority population. Some Irish media have continued to promote negative stereotypes concerning Travellers.' Strasburg 30<sup>th</sup> April 2008, Comm DH (2008)9 at Para 93.

Furthermore, the Commissioner highlighted the need for the protection of Travellers against discrimination and racism under national and international law. Connected with this, it was recommended that Travellers' should also benefit from non-discrimination provisions under the "race" ground at national, European and international levels. In relation to ethnic minority status, the UN Committee on the Elimination of Racial

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<sup>1</sup> Third report on Ireland, ECRI, CRI (2007)24 and Concluding Observation of CERD: Ireland, 14/04/2005, CERD/C/IRL/CO/2.

Discrimination (2005) and the UN Human Rights Committee Report (July 24 2008), has encouraged Ireland to work more concretely towards recognising the Traveller community as an ethnic group, while the Advisory Committee of the FCNM has underlined the relevance of the principle of self-identification stemming from Article 3 of the Framework Convention.<sup>2</sup> Concern was also expressed on this by a report produced by Amnesty International (2009- state of human rights (Ireland region))

In relation to culture, the Irish Government's Second Progress Report of the Committee to Monitor and Implement the Recommendations of the Task Force Report on the Travelling Community (2005) stated that "Denial of Travellers' cultural identity exacerbates Travellers' daily experience of exclusion. Travellers' values, beliefs and customs are dismissed or ignored. Accordingly, without respect for Traveller culture, progress in areas such as health, accommodation or education could be undermined.

The UN Committee on the Elimination of Racial Discrimination has also expressed particular concern about the situation faced by women belonging to vulnerable groups and at the instances of multiple discrimination they may be subject to (Para 23, 2005 report)

In focusing on the situation with respect to Irish Travellers living in the UK, a similar pattern emerges. Clear evidence of racist attitudes and non-inclusive policies in the treatment of the Irish Traveller community living in the UK has been found in a wide range of public services and bodies reviewed by the recent report (Inequalities experienced by Gypsy and Traveller communities: A review 2009) produced by the Equality and Human Rights Commission UK (EHRC.) The former Commission for Racial Equality (CRE) report, Common Ground (2006), stated "the services Gypsies and Travellers receive from their local authority are manifestly less favourable than those the wider public enjoy" (CRE 2006B, PG 18).

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<sup>2</sup> Concluding Observations of CERD: Ireland, 14/04/2005, CERD/C/IRL/CO/2; and Second Opinion on Ireland, adopted on 6 October 2006, Advisory Committee on the FCNM, ACFC/OP/II (2006)007.

Sometimes this takes directly discriminatory forms, as in the criminal justice system. Sometimes the problems arise from assimilatory rather than discriminatory policies practices and institutional cultures, as in education. In other services indirect racism, through lack of acknowledgement and pathologisation of cultural issues is influential, alongside direct discrimination, in denying appropriate access to services, as in aspects of health and social services. Some services, for example, the police and prison service have been identified as having particularly embedded racist cultures and practices. Although Irish Travellers and Romany Gypsies are recognised as ethnic minority groups under the UK Race Relations Act, scant attention is paid to this point in law. All too often a black/white approach which obscures the racism experienced by white minority groups is applied.

The recent documented evidence contained within the EHRC report also reflects the lack of access to Human Rights. Indeed the evidence within the report and our own experiences within ITMB and that of our beneficiaries reveals the depth and extent of denial of rights to GRT across civil political, social economic, participatory and cultural rights. Moreover, the rights to social development and some of the basic aspirations of the UN Millennium Development Goals (2008) including the reduction of child mortality, the improvement of maternal health and combating disease, are applicable to some Gypsy and Travellers, whose experiences of having no access to water or sanitation and lacking access to health care, can reflect that of people in the world's poorest countries. This lack of rights has been commented on internationally; in 2002 the UN Committee on Rights of the Child stated it was "concerned at the discrimination against children belonging to Irish Travellers and Roma Travellers in the UK. The committee also expressed concern at the existing gap between policy and practice (service delivery).

In 2003, the UN Committee on the Elimination of Racial Discrimination commented, again in relation to the UK, that" the committee expresses concerned about the discrimination faced by Roma Gypsies and Travellers that is reflected, inter alia, in their higher child mortality rates, exclusion from schools, shorter life expectancy, poor

housing conditions, lack of available camping sites, high unemployment rates and limited access to health services.

Thus, it is clear that whilst there certainly have been advancements in recognizing the rights and entitlements of the Irish Traveller community within the UK and Ireland over the past decade there has been a constant lack of practical implementation and acknowledgement and/or official challenges to progressing these right and entitlements where they have been denied.

This racism has taken place amidst the backdrop of various pieces of European legislation which have included amongst others, Article 13 of the Treaty of the European Community, Directive 2000/43/EC on racial equality and Directive 2000/78/EC prohibiting discrimination in employment and vocational training. Thus as a result of these instruments, it has mandated Member States to translate these Directives into their own national legislation. At the national level, in Ireland, the key anti-discrimination measures, the Incitement to Hatred Act, 1989, the Unfair Dismissals Acts 1977, the Employment Equality Acts and the Equal Status Acts specifically identify Travellers by name as a protected group. The Equality Act 2004, which transposed the EU Racial Equality Directive, applied all the protections of that Directive across the categories contained in the legislation, including the Traveller community ground. All the protections afforded to ethnic minorities in EU directives and international conventions apply to Travellers because the Irish legislation giving effect to those international instruments explicitly protects Travellers. In the UK following a hard fought battle, the culmination of which resulted in the landmark ruling in ***O'Leary & Others v. Allied Domecq & Others (2000)***, in which the Court recognised Irish Travellers for the first time fell under the category of a separate ethnic minority group under the Race Relations Act (as amended 2000) with all the associated protections which this status gives.

## European Initiatives

As has been highlighted above, the discrimination faced by Travellers has been long documented, particularly at the International level and particular concerns have been raised about the respective failings of both Governments concerned to address the issues. In this regard, the EU is charged with an important role in ensuring the principle of non-discrimination. As has been noted in the Commission communiqué on Roma (2010) 'the EU and its Member States additionally, 'have a special responsibility towards the Roma'.<sup>3</sup>

In considering the measures that the Commission has taken with respect to this special responsibility for Roma, it is clear that in recent years the Commission has become increasingly more active in this area. In particular the Commission has been involved in encouraging the Member States to take actions.

However, with regard to the UK, it appears that the UK Government has not engaged as effectively as it could in reporting progress and in engaging in strategic action to target Gypsies Roma and Traveller nationally. For example, it was reported in the 2010 Progress report by the European Commission that in response to an invitation by the Commission inviting Member States to report their progress on Roma action in terms of implementation of national policies in all fields which are relevant for Roma inclusion in Autumn 2009, the UK was one of the few countries in Europe which did not report back to the Commission. Similarly since the UK is not one of the 12 Member States participating in the Decade for Roma Inclusion 2005-2015 in which all the participating countries have now put strategic plans in place for combating Roma exclusion, this is yet another example of the UK unwillingness to place a high priority on Traveller, Gypsy and Roma issues in the UK.

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<sup>3</sup> The social and economic integration of the Roma in Europe *Communication from the Commission to the Council, The EP, The European Economic and Social Committee and the Committee of the Regions* **COMM (2010) 133**

**As a result, we call upon the European Commission to take action with regard to the UK's current lack of priority for Gypsy Roma and Traveller inclusion in the UK, in meeting its aforementioned 'special responsibility' towards the Roma.**

Linked to the above comment, we are aware that as well as a misunderstanding in the UK as to the extent of the discrimination faced by Travellers, this is even less apparent in Europe generally. This is further exacerbated by the European adoption of the generic "Roma" term as adopted by the institutions including the Commission. As the Commission has itself noted, the extension of the term "Roma" to all these groups is contentious".<sup>4</sup> It is argued that by adopting this term, this renders even more invisible the profile of Irish Travellers. By adopting this term, and attempting to assimilate Irish Travellers with other distinct ethnic cultures, this denies Irish Travellers at the European level the recognition which they are already denied at the national level.

Further to the above point, we are concerned by the recommendations of the Commission in its recent communication, where it has set out its intention to assist policy makers by developing a set of model approaches. Linked to this, the Commission has stated that these model approaches would be designed to assist Member States who would be encouraged to take one or more of them into account when structuring their Roma inclusion policies. We are concerned because the Commission has noted the need for an ending to policies which maintain or promote the segregation of Roma communities or the provision of segregated housing. In analysing the above comment, it very much demonstrates the reasons as to why the generic "Roma" definition should not be adopted. This is because, as the Commission is surely aware, that Travellers in the UK and Ireland, seek to live in accommodation on sites which is intrinsic to their culture. This very much differs to the situation of Roma groups living in central and Eastern Europe, and in essence captures the core difference between Roma groups and Irish Travellers. By labelling the groups with the same term of "Roma" it does not distinguish

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<sup>4</sup> Commission staff working document, "Roma in Europe: the implementation of EU instruments and policies for Roma inclusion-progress report 2008-2010" (2010) at p3. See also, p2 Commission staff working document accompanying the communication from the Commission on Non discrimination and equal opportunities: a renewed commitment: community instruments and policies for Roma Inclusion (COM 2008 420 Final)

between the fundamental differences in their cultures and ethnicities. It also gives rise to the danger that when one such definition is used generically, that in formulating policy, there is a danger that the EU institutions may consequently mistakenly apply the same policy as has happened in the communiqué with regard to segregated housing.

**As a result we recommend that the European Institutions should consider adopting separate classifications for Irish Travellers.**

### **Conclusion**

In conclusion, we very much welcome the efforts and work of the EU institutions in seeking to address the discrimination faced by Roma, Gypsies and Travellers in Europe and in seeking to promote their inclusion in European society. However, it is our view that more needs to be done to alleviate and address the situation for Irish Travellers in the UK and Ireland. We thus welcome any assistance and recommend that:

- **More pressure is put on the UK and Ireland to adopt a strategic plan for ensuring inclusion of Travellers in both countries, and we would welcome any assistance that the EU could provide with this.**
- **We recommend that the EU should assist Traveller NGO's in increasing visibility of Travellers and the discrimination they face in European society.**
- **We recommend that the EU should refer to Travellers as an individual group and not under the generic definition of Roma which would help raise the visibility of Travellers and at the same time, ensure that policies which do not apply to Travellers mistakenly fall within the remit of "Roma" policies e.g. desegregation policy for Roma.**
- **Linked to the above, we would welcome any call for assistance that we can provide to the Commission in identifying Traveller specific policy.**

## Appendix- UK Policy Context

### **The Irish Traveller Community in Britain**

Estimates of the size of the Gypsy and Irish Traveller population are problematic in the absence of ethnic monitoring, administrative statistics and their current exclusion from census categories, which is set to change in the 2011 Census. In 2000, it was calculated that there were approximately 300,000 members of these communities in the UK.<sup>5</sup> However the ITMB believes that this may be an underestimation, research carried out by Pat Niner has found that with the high rate of population increase, estimated at 3 % per annum<sup>6</sup>, the community is still growing.

Irish Travellers in Britain are recognised as a distinct ethnic minority group since 2000 with a landmark ruling in ruling in ***O’Leary & Others v. Allied Domecq & Others (2000)***, in which the Court recognised Irish Travellers for the first time fell under the Race Relations Act (as amended 2000) which is now superseded by the recently enacted Equality Act 2010.

The Irish Traveller community in Britain are represented by The Irish Traveller Movement (ITMB) a National policy, voice and community development charity, which is working to raise the capacity and social inclusion of the Traveller communities in Britain. The organisation was established in 2000 and is a registered Charity and a Company Limited by Guarantee. ITMB act as a bridge builder bringing the Traveller communities, service providers and policy makers together, thereby stimulating debate and promoting forward-looking strategies to promote increased race equality, civic engagement, inclusion, service provision and community cohesion.

ITMB have an established track record of active policy development, campaigning, community engagement, training and awareness raising and social cohesion work. We have an established Traveller Advisory Group (TAG), which leads on the strategic

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<sup>5</sup> ‘Common Ground: Equality, good race relations and sites for Gypsies and Irish Travellers’, A Report by the Commission for Racial Equality (2006) at p4. See also, in this regard the report carried out by Morris R and Clements L, **At what cost? The cost of managing unlawful Gypsy encampments**, Policy Press, Bristol (2002)

<sup>6</sup> Niner P, *Local Authority Gypsy / Traveller Sites in England*, (2003) ODPM,

direction and development of our policy engagement. This TAG is made up entirely of members of the Traveller communities with nationwide representation. ITMB are shared custodians of the *Liberty Human Rights Award 2004*.

### **Future for Irish Travellers in Britain**

Irish Travellers living in Britain face an uncertain future. Considering that the Irish Traveller community have some of the poorest social outcomes of any group in Britain, it follows that the impending cuts to public services will have a disproportionate affect on the community.<sup>7</sup> To improve Travellers poor social outcomes such as low life expectancy and low educational attainment it is essential that there is commitment from the British Government, with support from the Irish Government in addressing the situation.

In considering recent policies proposed by the Coalition Government it is clear that this commitment to Travellers is not forthcoming. The proposed abolition of regional spatial strategies has left many Travellers and local authorities in a policy vacuum, uncertain as to how a localism approach to Traveller accommodation provision will meet the chronic shortage of Traveller sites.

Recent ITMB submissions made to the Communities and Local Government Select Committee on Traveller accommodation issues on both the abolition of RSS's and the Localism Bill have highlighted the threats posed by these policy changes in which it is likely that the implications of decisions being taken at local level will result in planning decisions related to Travellers are likely to be strongly opposed.<sup>8</sup>

### **Health Issues**

All academic literature specific to the Traveller community strongly indicates that as a group their health overall is poorer than the general population and also poorer than

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<sup>7</sup> As the Coalition Government implements its spending review, the Institute for Fiscal Studies (IFS) has stated that it is the most marginalised and disadvantaged in society who will fair the worst.

<sup>8</sup> Please refer to ITMB website for ITMB submissions on abolition of Regional Spatial strategies and the Localism Bill.

others in socially deprived areas.<sup>9</sup> They also have poor health expectations and make limited use of health care provision.<sup>10</sup> The disparities between Travellers and the general population, are shown in the Leeds Report:

*Travellers are dying 10 -12 years earlier than the average life span of a person living in Britain today. They also experience an infant mortality, which is three times higher than the national average and are also eighteen times more likely to experience the death of a child. (The Leeds Baseline Census 2004-2005 - Maureen Baker MBE 2005)*

The Sheffield Report also shows that Irish Traveller men and women experience chronic ill health; often with more than one condition that secrecy about depression keeps it hidden and increases the burden. Travellers also face high levels of depression; poor psychological health is often seen in the context of multiple difficulties, such as discrimination, racism and harassment, as well as frequent evictions and the instability caused by this. Alcohol consumption is often used as a coping strategy and drug use among Traveller youths is also widely reported and feared.<sup>11</sup>

ITMB successfully lobbied and campaigned with the support of other NGO for a national framework to address the health needs of Travellers. The Pacesetters programme a partnership between local communities who experience health inequalities, the NHS and DH. Pacesetters was delivered through the Equality and Human Rights Group (EHRG) within DH. The programme was delivered by working with six Strategic Health

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<sup>9</sup> Parry et al (2004) The Health Status of Gypsies and Travellers: Report of Department of Health Inequalities in Health Research, University of Sheffield.

<sup>10</sup> Van Cleemput P, Parry G, Thomas K, et al (2007). The health related beliefs and experience of Gypsies and Travellers: a qualitative study, *Journal of Epidemiology and Community Health*, 61(3), pp 205-210.

<sup>11</sup> See also, Appleton, L. Hagan, T. Goward, P. Repper, J and Wilson, R. (2003) Smail's contribution to understanding the needs of the socially excluded: the case of Gypsy Traveller Women. *Clinical Psychology*. (24), 40-6, Bowers, J. (2004). Travellers' tales. *Health Service Journal* Dec. 114 (5936) 26-8 and Clohessy McGinley, A. (2002). Determining Factors Influencing Traveller Men to Access or Avail of Health Services: An Exploratory Study.

Authorities (SHAs) to deliver equality and diversity improvements and innovations. Unfortunately and very worryingly all this initial ground work to begin addressing the health issues of the Traveller community have been abandoned by the new coalition government.

### **Culture and education**

The issue of improving educational outcomes for Gypsy, Roma and Traveller<sup>1</sup> pupils has been a focus of research and policy for some time and is particularly serious for secondary age pupils. Evidence suggests that where Gypsy and Traveller pupils do transfer successfully to secondary school, their attendance is unlikely to continue beyond the age of 14.<sup>12</sup> Ultimately, recent figures have found that only 38% of Irish Travellers reach statutory leaving age.<sup>13</sup>

In the most recent research to date carried out by the Department for Education, using an analysis of the National pupil database over a five year period, higher rates of Free School Meals eligibility were found with Irish Travellers, suggesting a connection between poverty and disrupted educational experience. Irish Traveller pupils are reported to have the highest level of Special Educational Needs of all ethnic minority groups, and this may be the result of families lacking information or experiencing problems accessing appropriate health care, or schools failing to respond appropriately to cultural difference. Overall, the fact such pupils tend to have low prior attainment, have Special Education Needs and are entitled to Free School Meals was found likely to have been affected by cultural factors.<sup>14</sup>

All of this evidence therefore suggests that radical investment in the education of Irish Travellers is long overdue, in order to address their low education attainment level. Related to this, further commitment must be made to tackle the root causes of these

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<sup>12</sup> See Department for Education and Skills, *Ethnicity and Education: The Evidence on Minority Ethnic Pupils aged 5-16 (2006)*. See also, Derrington, C. and Kendall, S. (2004). *Gypsy Traveller Students in Secondary Schools: Culture, Identity and Achievement*. Stoke on Trent: Trentham Books.

<sup>13</sup> Department for Education, *Improving the outcomes for Gypsy, Roma and Traveller Pupils: final report (Oct 2010)*

<sup>14</sup> *Ibid.*

problems and priority given to the welfare of Traveller children, including measures to tackle the prevalent bullying of Irish Traveller children (due to cultural differences) and detrimental harm related to the instability of their living arrangements, which both impact upon attendance figures.

In addition, ITMB is very concerned by the withdrawal of funding to support Traveller Education Teachers which have been the only dedicated resources funding Traveller education working towards promoting higher attainment levels. Linked to this, the announcement of the withdrawal of Government funding for the annual Gypsy Roma Traveller history month, which was instrumental in portraying the positive image of Traveller culture and traditions is another worrying development.

## **Accommodation**

Official Government figures show that 26 percent of Britain's Irish Travellers and Romany Gypsies living in caravans are officially categorised as homeless.<sup>15</sup> Such a high incidence of homelessness has a major impact on Irish Travellers access to health care services, Traveller children's educational opportunities and employment and training prospects for adults. The prevalence of homelessness amongst the Irish Traveller community has been attributed to the severe shortage of authorised Gypsy and Traveller sites in Britain. This shortage has been widely documented by Gypsy and Traveller organisations, the Department for Communities and Local Government (DCLG) and the Equality and Human Rights Commission (EHRC). A 2009 research report conducted by the EHRC concluded that 'the lack of secure accommodation for nomadic groups remains the lynchpin of a plethora of other inequalities.'<sup>16</sup>

Many of Britain's homeless Irish Travellers also face the trauma of repeated evictions from unauthorised sites or stopping places. Evictions often involve high levels of violence and have been proven to cause extreme stress, especially for Traveller

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<sup>15</sup> Dept. for Communities and Local Government, Caravan Count January 2010  
<http://www.communities.gov.uk/publications/corporate/statistics/caravancountjan2010>

<sup>16</sup> EHRC, 2009, *Gypsies and Traveller: Simple Solutions for living together*, p.11  
[http://www.equalityhumanrights.com/uploaded\\_files/gypsies\\_and\\_travellers.pdf](http://www.equalityhumanrights.com/uploaded_files/gypsies_and_travellers.pdf)

children.<sup>17</sup> Considering the root cause of homelessness and evictions is the chronic shortage of authorised Traveller sites, it follows that pro-active government measures should be taken to address the shortage of sites in consultation with the Traveller community.

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<sup>17</sup> EHRC, 2009, Inequalities experienced by Gypsy and Traveller communities: A review, p. 31 [http://www.equalityhumanrights.com/uploaded\\_files/research/12inequalities\\_experienced\\_by\\_gypsy\\_and\\_traveller\\_communities\\_a\\_review.pdf](http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf)