

Roma and Travellers Survey 2019

Legislation, policy and practical aspects

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	Questions	Yes/ No	Supporting information (provide also relevant links, if appropriate and where possible)
1	<p>Are there <u>practical barriers</u> that hinder Roma and Travellers from using anti-discrimination and/or hate speech/hate crime laws and procedures (e.g. affordability of access to procedures, lack of awareness, lack of effective and Roma and Travellers ‘friendly’ recording structures)?</p> <p>Please indicate and explain briefly two such main barriers. Justify your answer by referring to existing reports and data produced by national human rights institutions, equality bodies, Ombuds institutions or other relevant sources, including civil society organisations.</p>	Yes	<p>1. Access to justice of GTR communities was partly restricted by the introduction of the Civil Legal Aid (Remuneration) (Amendment) Regulations 2015, which make provision about the payment to practitioners who provide civil legal services under arrangements made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The Regulations provide that “legal aid practitioners will not be paid for their work on making an application for permission in a judicial review case, where that application has been issued, unless (i) permission is given by the Court or (ii) the case concludes before a permission decision is made, costs are not paid by the other side and the Legal Aid Agency considers that it is reasonable to pay.”¹ The effect of these regulations is to dissuade many legal aid providers from running judicial review cases, which in turn has an impact on GTR communities’ ability to find a lawyer to take on their cases related to housing, encampments, and local authorities’ planning policies.²</p>

¹ UK, Travellers’ Times (2014), *Dining At The Ritz - Legal Aid Cuts Threaten Justice For "The Little Man"*, 4 November 2014, available at: <https://www.travellerstimes.org.uk/features/dining-ritz-legal-aid-cuts-threaten-justice-little-man>

² UK Travellers’ Time (2015), *The Ministry Of Injustice? Legal Aid And Judicial Review*, 11 June 2015, available at: <https://www.travellerstimes.org.uk/features/ministry-injusticelegal-aid-and-judicial-review>

	<p>Please provide links to the reports/sources that you have used.</p> <p>Indicative length: two short paragraphs</p>		<p>2. In a survey carried out by the Traveller Movement in 2016, 98% of respondents declared they had been discriminated against because of their GTR ethnicity.³ 74% of respondents said they have not looked for help.⁴ This was either due to a lack of awareness of procedures, the cost of procedures, a lack of trust in the police and the recurrence of incidents, which happen sometimes too often to be reported.</p>
2	<p>Is there legislation (beyond generic legislation on discrimination and/or hate speech/crime) <u>specifically aimed</u> at or used to protect Roma and Travellers against discrimination and/or hate speech/crime, including for example dedicated criminal law provisions, or special structures and procedures focusing on Roma and Travellers (e.g. a specialised structure to deal exclusively with Roma and Travellers' cases)?</p> <p>Please indicate such provisions, structures</p>	Yes	<p>Race is a protected characteristic under the Equality Act 2010, which prohibits unlawful discrimination, harassment and victimisation; protects individuals from unfair treatment; and promotes a fair and more equal society. It protects Gypsies, Roma and Travellers as well as all other race groups from discrimination.</p> <p>There is no legislation specifically aimed at protecting Roma and Travellers from discrimination/hate crime.</p> <p>In terms of procedures, the police have an online platform, True Vision, which can be used to report hate speech/crime by victims or witnesses. The platform is linked to the closest police station which can then investigate. True Vision has a dedicated page for Gypsies, Roma and Travellers.</p>

³ UK, The Traveller Movement (2016), *Discrimination experienced by Gypsies, Travellers and Roma: results from 2016 survey*, p.3, available at: <https://travellermovement.org.uk/phocadownload/userupload/reports/discrimination-survey-report-traveller-movement.pdf>

⁴ UK, The Traveller Movement (2016), *Discrimination experienced by Gypsies, Travellers and Roma: results from 2016 survey*, p.6, available at: <https://travellermovement.org.uk/phocadownload/userupload/reports/discrimination-survey-report-traveller-movement.pdf>

	<p>or procedures and clarify whether and which particular groups of Roma and Travellers are explicitly covered. Please provide links to legislation or other relevant sources.</p> <p>Indicative length: two short paragraphs</p>		<p>However, hate speech/crime targeting GTR people is usually underreported.⁵ This is why an initiative led by the civil society organisation GATE Hert, “Report Racism Gypsy Traveller and Roma”, complements the True Vision system (described in Annex 1 of Annual Report 2018).</p>
3	<p>Have there been any significant court decisions or cases dealt with by non-judicial bodies (e.g. equality bodies, Ombuds institutions, other human rights bodies) over the last five years treating discrimination and/or hate speech/crime against Roma and Travellers?</p> <p>Please mention no more than three such cases. Give a short description of each case and its outcome.</p>	Yes	<p>1. In <i>Traveller Movement v JD Wetherspoon Plc</i>,⁶ the claimant sought damages for race discrimination against the defendant pub owner after a group of Travellers were refused entry into the pub, in 2011. The court found that eight claimants (out of 18) had been directly discriminated against and ordered the pub owner to pay £3,000 each in damages. The pub owner, Wetherspoon, appealed the case. However, it later dropped the appeal and settled the case in 2016 with a payment of £44,000 to be divided between the 18 claimants.⁷</p> <p>2. In <i>R. v Hewlett (Karl Richard)</i>,⁸ the applicant sought permission to appeal his conviction for, inter alia, ‘racially aggravated intentional harassment, alarm</p>

⁵ UK, Ministry of Housing, Communities and Local Government, (2018) *Written submission from Ministry of Housing, Communities and Local Government (GRT0003)*, April 2018, available at: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/tackling-inequalities-faced-by-the-gypsy-roma-and-traveller-communities/written/82095.pdf>

⁶ UK, *Traveller Movement v JD Wetherspoon Plc*, Central London County Court, 18 May 2015, [2015] 5 WLUK 440 available at: <http://www.communitylawpartnership.co.uk/wp-content/uploads/2015/09/wetherspoons%20judgment.pdf>

⁷ UK, The Morning Adviser (2016), *JDW agrees £44k settlement for travellers refused entry to pub*, by Daniel Woolfson, 18-Nov-2016, available at: https://www.morningadvertiser.co.uk/Article/2016/11/18/JD-Wetherspoon-s-44k-settlement-for-travellers-refused-entry-to-pub?utm_source=copyright&utm_medium=OnSite&utm_campaign=copyright. See also: The Irish Times (2016), *JD Wetherspoon to pay Travellers over refused service in London*, by Denis Stauton, 17 November 2016, available at: <https://www.irishtimes.com/news/world/uk/jd-wetherspoon-to-pay-travellers-over-refused-service-in-london-1.2872396>

⁸ UK, *R. v Hewlett (Karl Richard)*, Court of Appeal (Criminal Division), 19 April 2016, [2016] EWCA Crim 673, 2016 WL 03506232, available at: [https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Crim/2016/673.html&query=\(R.\)+AND+\(v\)+AND+\(Hewlett\)+AND+\(Karl\)+AND+\(Richard\)](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWCA/Crim/2016/673.html&query=(R.)+AND+(v)+AND+(Hewlett)+AND+(Karl)+AND+(Richard))



<p>Please provide links to the decisions and/or other useful sources of information about them, where available.</p> <p>Indicative length: three short paragraphs</p>	<p>or stress’ (para. 1). It was alleged that during an argument, the applicant called his neighbour a "pikey". In the court of first instance, he argued that there was no case to answer and that the word "pikey" did not refer to a particular racial group. However the trial judge ruled against the applicant finding that ‘the term was capable of referring to a particular racial group, namely Romany gypsies’ (para. 5). The applicant argued that the judge had erred in rejecting his submission that there was no case to answer, but his application for permission to appeal was rejected.</p> <p>3. In December 2018, a young Scottish and Traveller activist, reported to the Equality and Human Rights Commission the existence of a ‘no Travellers’ rule from a caravan park in Dumfries, Scotland. The rule was published on their website and on leaflets at the site. The Equality and Human Rights</p>
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			Commission contacted the site owners to require them to remove the rule, as it does not comply with the Equality Act 2010. ⁹
4	Are there any barriers (legislative/policy or practical) hindering Roma and Travellers children from accessing education (e.g. neutral registration rules but difficult for Roma and Travellers to comply with, distance between home and schools, discriminatory behaviours alienating	Yes	GTR children face all sorts of barriers in accessing education: ¹⁰ some are taken out of school at the end of primary school, some do not attend and some never register. ¹¹ Children who do not attend school at all because their parents are travelling are in a minority. ¹² GTR community members are more likely to send their children to primary school but not necessarily make the transition to secondary school and these

⁹ UK, Equality and Human Rights Commission (2019), *'No Travellers' rule no more*, 21 February 2019, available at: <https://www.equalityhumanrights.com/en/our-work/news/no-travellers-rule-no-more>

¹⁰ UK, House of Commons, Women and Equalities Committee (2019), *Tackling inequalities faced by Gypsy, Roma and Traveller communities*, Seventh Report of Session 2017–19, April 2019, p. 22, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/360.pdf>

¹¹ UK, House of Commons, Women and Equalities Committee (2019), *Tackling inequalities faced by Gypsy, Roma and Traveller communities*, Seventh Report of Session 2017–19, April 2019, p. 23, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/360.pdf>

¹² UK, House of Commons, Women and Equalities Committee (2019), *Tackling inequalities faced by Gypsy, Roma and Traveller communities*, Seventh Report of Session 2017–19, April 2019, p. 23, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/360.pdf>

<p>children from school environment, measures leading to school segregation)?</p> <p>Please indicate and explain briefly two such main barriers. Justify your answer by referring to existing reports and data produced by national human rights institutions, equality bodies, Ombuds institutions or other relevant sources, including civil society organisations.</p> <p>Please provide links to the reports/sources that you have used.</p> <p>Indicative length: two short paragraphs</p>	<p>children are therefore home-educated.¹³ This can be explained as a protective measure against exposure to non-Gypsy culture, associated with taking drugs, being sexually active from an early age and sex education at school.¹⁴ Schools are also perceived as places where GTR children experience bullying and racism from other pupils and staff.¹⁵ GTR children who are home educated do not always receive formal education, due to the cost of hiring a private tutor.¹⁶</p> <p>Data from the Department from Education for the year 2017/2018 show that the ethnic groups with the highest overall absence rates were Traveller of Irish Heritage (18.8% of all sessions missed) and Gypsy/Roma (13.0%).¹⁷</p> <p>Girls face additional difficulties as they are not always encouraged by their communities to go to university due to the highly gendered division of tasks within GTR communities and the widespread acceptance that girls will raise</p>
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¹³ UK, Kalwant Bhopala and Martin Myers (2016), ‘Marginal groups in marginal times: Gypsy and Traveller parents and home education in England, UK’ in *British Educational Research Journal*, Vol. 42, No. 1, February 2016, pp. 5–20, available at: <https://onlinelibrary.wiley.com/doi/pdf/10.1002/berj.3198>

¹⁴ UK, House of Commons, Women and Equalities Committee (2019), *Tackling inequalities faced by Gypsy, Roma and Traveller communities*, Seventh Report of Session 2017–19, April 2019, pp. 28–29, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/360.pdf>

¹⁵ UK, Kalwant Bhopala and Martin Myers (2016), ‘Marginal groups in marginal times: Gypsy and Traveller parents and home education in England, UK’ in *British Educational Research Journal*, Vol. 42, No. 1, February 2016, pp. 5–20, available at: <https://onlinelibrary.wiley.com/doi/pdf/10.1002/berj.3198>. See also: UK, House of Commons, Women and Equalities Committee (2019), *Tackling inequalities faced by Gypsy, Roma and Traveller communities*, Seventh Report of Session 2017–19, April 2019, p. 27, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/360.pdf>

¹⁶ UK, Kalwant Bhopala and Martin Myers (2016), ‘Marginal groups in marginal times: Gypsy and Traveller parents and home education in England, UK’ in *British Educational Research Journal*, Vol. 42, No. 1, February 2016, pp. 5–20, available at: <https://onlinelibrary.wiley.com/doi/pdf/10.1002/berj.3198>

¹⁷ UK, Department for Education (2019), *Absence from school in England (2017/2018)*, 14 August 2019, available at: <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/absence-from-school/latest#overall-absence-by-ethnicity>

			their children and care for extended families from a very young age. ¹⁸
5	<p>Are there any specific regulatory or policy measures over the last five years affecting access to housing for Roma and Travellers (e.g. legislation/policy measures on social housing or halting sites for Roma and Travellers, measures affecting their access to water, electricity or communication services)?</p> <p>Please mention the two most important measures or changes in legislation (on federal, regional or municipal level) classifying them as having a positive or negative impact. You can provide one example for each category. Or, as appropriate, two examples of positive or two examples of negative impact. Please give a short description of each measure and provide relevant links.</p>	Yes	<p>a) measure(s) having a positive impact</p> <p>N/A</p> <hr/> <p>b) measure(s) having a negative impact</p> <p>The Equality and Human Rights Commission published in September 2019 a report¹⁹ assessing the impact of the change of definition of ‘gypsies and travellers’, as specified in the Planning Policy for Traveller Sites 2015, on local planning authorities’ plans for the provision of GTR pitches in England. The revised definition no longer includes those who have ceased travelling permanently for any reason, including old age or disability. Researchers identified twenty local planning authorities and observed that, before 2015, the total assessed needs were 1.584 pitches. After 2015, the assessed needs fell to 345 pitches.²⁰ This means that the new definition of ‘gypsies and travellers’ in the Planning Policy for Traveller Sites 2015 has led to a reduction of accommodation needs according to new assessments conducted</p>

¹⁸ UK, House of Commons, Women and Equalities Committee (2019), *Tackling inequalities faced by Gypsy, Roma and Traveller communities*, Seventh Report of Session 2017–19, April 2019, p. 28, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/360.pdf>

¹⁹ UK, Equality and Human Rights Commission (2019), *Gypsy and Traveller sites: the revised planning definition’s impact on assessing accommodation needs*, September 2019, available at: https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf

²⁰ UK, Equality and Human Rights Commission (2019), *Gypsy and Traveller sites: the revised planning definition’s impact on assessing accommodation needs*, September 2019, p. 7, available at: https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf

	Indicative length: two short paragraphs	by local planning authorities. This was further aggravated by the repeal of the duty to specifically assess Gypsy and Traveller accommodation needs and its replacement with a more general duty to assess the need for caravan sites in the assessment of a general housing need. ²¹
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²¹ UK, Equality and Human Rights Commission (2019), *Gypsy and Traveller sites: the revised planning definition's impact on assessing accommodation needs*, September 2019, p. 37, available at: https://www.equalityhumanrights.com/sites/default/files/190909_gypsy_and_traveller_sites_-_impact_of_the_revised_definition_-_final.pdf