

# **Submission to the Universal Periodic Review by the U.N. of the UK government's Human Rights Record 2012**

## **AdEd Knowledge Company LLP (research and popular adult education with Gypsies and Travellers and Roma)**

### **Executive Summary**

This submission from a specialist not for profit social enterprise outlines the serious breaches of the Human Rights of the Gypsy and Traveller and Roma minorities in the U.K. It includes examples and case studies from the research and education provision of the AdEd Knowledge Company and recommendations for future public policy.

### **1. Gypsies and Travellers: Present context in England**

**1.a** The pictures of riot police tasing Irish Travellers at Dale Farm in Basildon on a site which was situated on their own land have been beamed throughout Europe and beyond. The British government officially sanctioned and financed the eviction and it was carried out by the local state and police. It highlights the historical survival and revival of anti Gypsyism in the U.K. and throughout Europe. The Roma are the largest minority in the E.U. and there have been a number of reports, directives, over many years from the PACE (Parliamentary Assembly of the Council of Europe) and the U.N, documenting the survival of racism in the implementation of laws and provision of public services. The U.N. specifically warned the U.K. government and Basildon council that the Dale Farm eviction trampled on the established human rights of the Irish Traveller residents and owners of the site. As the EHRC put it in a commissioned research report in 2009 Gypsies and Travellers everyday experience as legally defined ethnic minorities is feeling 'The pervasive and corrosive impact of experiencing racism and discrimination through an entire lifespan, and in employment, social and political contexts' (1)

**1.b** Despite the Human Rights Act and the status of Romany Gypsies and Irish Travellers as ethnic minorities under the legal systems of both England and Wales and Scotland the Westminster Coalition government is continuing the policy of encouraging evictions of Romany Gypsies and Irish Travellers from sites developed on their own land – the Minister in England has recently sanctioned another eviction at Meriden. New legislation on 'squatting' will criminalise Gypsy and Traveller roadside 'encampments' and remove legal aid from Gypsies and Travellers who contest their evictions in court.(2)

### **2. Common sense racism, politicians, the media and anti-Gypsyism**

**2.a** Politicians who speak out in support of the human rights of Gypsies and Travellers in England are extremely rare, and many exploit prejudice against them particularly at elections (3)

**2.b** A Channel 4 T.V. series 'Big Fat Gypsy Wedding' in 2010 and 2011 attracting 8.2 million viewers was widely seen by Romany Gypsy and Irish Traveller people as derogatory and reproducing inaccurate stereotypes of their cultures.(see the publication

'Travellers Times' and the website [www.travellerstimes.org.uk](http://www.travellerstimes.org.uk) ).The general racist imagery current around Gypsies and Travellers in the British media has been well documented.as seeing them as associated with 'dirt and destruction' In 2010 the attempts by Irish Catholic Travellers and other Catholic Gypsies and Travellers to see the Pope preach in Birmingham were described in terms of threatening insects. - 'The Pope's visit to Britain has been thrown into turmoil amid fears swarms of gipsies will turn up hoping to meet him.' (The Sun newspaper August 26<sup>th</sup> 2010)

**2. c** Little seems to have changed since the Council of Europe Commissioner for Human Rights Gil-Robles said of the U.K. in November 2004.

'Indeed to judge by the levels of invective that can regularly be read in the national press Gypsies would appear to be the last ethnic minority in respect of which openly racist views can still be acceptably expressed.

**2.d** Around the time of the Dale Farm eviction a story broke in the press from the police that they had uncovered an extensive criminal gang of Irish Travellers who were forcing homeless people into 'slavery'.Some of the 'slaves' denied the whole plot and at present (November 2011) four Irish Traveller men from the same family are in custody awaiting trial for 'forced labour' charges as yet untested in court.

**2.e** *AdEd Knowledge Company Romany Gypsy students in Norfolk in 2011 gave personal examples of challenging these media stereotypes:*

*One Romany Gypsy man with generations of relatives living in Norfolk had liaised with local journalists to discover and publicise in the local media Romany Gypsy soldiers' involvement in the two World Wars.One young Romany Gypsy man had begun writing Radio 'soaps' and plays to give a more accurate picture of Gypsy and Traveller culture*

### **3. 'New' Roma**

**3.a** In 2009 it was estimated that there were almost 50,000 'new' Roma residents in the U.K. around 4,000 in Rotherham and Sheffield.(4) Again there is evidence of discrimination in immigration,housing and employment human rights which is challenged by campaigners and by trade unions with members in this community.Roma families from other E.U. countries who have come to the U.K. in growing numbers since 2004 have.also been the victims of the virulent anti Gypsyism of the U.K. media.

**3.b** A recent (October 13th 2011) report in the Daily Mail about a BBC TV documentary is typical.

'The modern-day Oliver Twists: Child beggars as young as FOUR making £100,000 a year each for gypsy gangs...(as in ) the Charles Dickens novel in which the villain Fagin forces a group of young children to extract cash from rich Londoners for him.

<http://www.dailymail.co.uk/news/article-2051482/Child-beggars-young-making-100-000-year-gypsy-gangs.html#ixzz1dpRChAq8>

Which neatly conflates modern Anti-Gypsyism with historic Anti-Semitism against the Jew, Fagin.

**3 c.** Roma homes and people have been physically attacked in the U.K. in Northern Ireland in June 2009 and Romanian Roma evicted from their homes and back to Romania (See 'Pure Hate' Travellers Times June 18<sup>th</sup>) and there are signs that conflict there is rising again. There have been attempts by the U.K. government to deport Roma E.U. citizens back to E.U. countries as 'homeless' which have been denied by the Courts. We found in Norfolk evidence from agencies that there were probably nearly a hundred unemployed migrant workers from the E.U., including Roma, 'living rough' in woods and fenland avoiding the authorities, fearing deportation.

#### **4. The importance of Human Rights in theory and in practice for Gypsies and Travellers**

**4.a** In relation to the experience of Gypsies and Travellers the interconnections between human rights, equality and anti-discrimination are central particularly in their rights to culturally sensitive accommodation and equal access to rights under planning laws. In England there have been successful campaigns and legal challenges in the past based around the Human Rights Act and ECHR case law. The Westminster government was forced in 2009 to increase the rights of Gypsies and Travellers on their sites by giving them the same rights as occupiers of caravan sites in general. This was a result of a case (Connors v Leeds City Council) which originated in protests over an eviction at a Leeds City Council site.

**4.b** The site was one where a partner of the AdEd Knowledge Company (Marion Horton) had worked as a community development consultant. Her and others' research in Leeds over the years has shown prejudice against Gypsies and Travellers in health and education, and a real need for extra plots – very few have been provided. (5) Research around 2007/8 with Gypsy and Traveller Accommodation Needs Assessments for the whole of Yorkshire demonstrated needs (including the new needs of European Roma from Slovakia, the Czech Republic etc.) which have only rarely been addressed in any meaningful way. (6)

**4.c** Gypsies and Travellers are a tiny minority (probably in the U.K. between 200,000 and 300,000 in all, the majority in bricks and mortar). Of those who have managed to retain a travelling culture only a minority are without sites. 'It is estimated that the entire Gypsy and Traveller population could be legally accommodated if as little as one square mile of land were allocated for sites in England' (7). The fact that this has not happened is evidence of an irrational public policy – based on a racism which denies Gypsies and Travellers their human rights.

## **5. Rights to social development**

**5.a** Some of the basic aspirations of the U.N. Millennium Development Goals (2008) including the reduction of child mortality, the improvement of maternal health and combatting disease are applicable to some Gypsies and Travellers whose experience of having no access to water and or sanitation and lacking access to health care, can reflect that of peoples in the world's poorest countries. (EHRC 2009). Little has thus changed with this minority of Gypsies and Travellers since Marion Horton's early and unique study of transient (constantly travelling) families in Leeds in 2004, and AdEd Knowledge partners' research in 2007/8 which documented this important deficit in infant mortality, health care, longevity, and access to clean water.

## **6. Rights in the Criminal Justice system**

**6.a** Research has documented the experience of Gypsies and Travellers of discriminatory use of surveillance, information gathering and sharing, threats, disruption, eviction and spatial exclusion by the police in conjunction with other authorities. (EHRC 2009) There is a widespread stereotyping of Gypsy and Traveller people as being engaged in criminal activity, and well documented blanket mass police raids on sites with discriminatory checks on car and lorry licences which Power (8) and others have noted as a common route for Gypsy and Traveller men into the criminal justice system.

**6.b** *Gypsy and Traveller male students in Norfolk in 2011 reported in discussions and course assignments a constant process of being stopped at the roadside for checks, and one student suffered constant harassment of this kind on or near his land where he was in the process of applying for planning permission for a site*

**6.c** The EHRC reported research on legal and probation reports which constantly insinuated that a nomadic lifestyle or living in caravans suggested criminality, reflecting an unspoken bias and prejudice which affected granting of bail, sentencing, and treatment within the 'prison estate'. (EHRC 2009)

**6.d** *An Irish traveller male student successfully engaged on an official AdEd Knowledge and Chartered Institute of Housing national housing certificate course in 2011, was detained and arrested after voluntarily attending a police station to check on reports that the police had made accusations against him. He appeared before a magistrate who heard evidence that the fact that he lived on an official local authority site made him unlikely to answer to bail conditions. When he protested that the court 'could only try him and not the place he lived' he was removed from court. He subsequently only appeared on video exchanges with the court system.*

**6.e** *On remand the prison authorities systematically frustrated the attempts of the Course Tutor to telephone him and visit him to enable him to continue his studies. When the student had completed assignments and given them to prison officials for a visit of the tutor they were removed from correspondence given to the tutor. Local lawyers and court officials assumed the criminality of Irish Travellers and openly*

*disclosed the fact that local judges 'knew' offenders and their families and judicial reviews of bail and remand would fail – as they subsequently did. The tutor was frustrated by local legal advocates from involving specialist barristers in Gypsy and Traveller cases who actually were involved as speakers on the course. The student was given a non-custodial sentence but has not been able to complete the course.*

## **7. Recommendations**

**7.a** During the **2008 UPR for the U.K.** the U.N. Human Rights Council did not, at its hearings on the U.K., in 2008 make specific recommendations with regard to the Human Rights of Gypsies and Travellers and Roma..Subsequently the UNHRC has become involved in cases like the Dale Farm eviction and has been very critical of the U.K. Government..Our submission will no doubt echo evidence submitted by the National Human Rights agency in the U.K. to the UNPR, the EHRC.

### **New public policies based on human rights**

**7 b** Between 2007 and 2010 the previous Westminster government made progress in recognising the rights of Gypsies and Travellers in the planning and housing systems but these have been reversed by the Coalition government. In terms of fundamental changes necessary in public human rights policies with Gypsies and Travellers and Roma we would strongly recommend that the administrations in England, Scotland and Northern Ireland follow the recent example of the Wales Parliament

**7.c** In Wales there has recently been a political initiative by the Welsh government based on their understanding of the human rights of Gypsies and Travellers. In Wales the 'Travelling to a better future' policy document published at the end of September 2011 is described as a 'new deal' for Gypsies and Travellers on services, sites and stereotyping. The Welsh Government's Equalities Minister Jane Hutt is clear the policy is about rights: 'Wales is a diverse society with a rich mix of cultures and traditions. Gypsy and Traveller culture and heritage forms part of this diversity ... (the policy framework) sets out a culturally sensitive and relevant agenda for Gypsies and Travellers in Wales ... It highlights Wales's unique position and commitment to Gypsies and Travellers and our continued commitment to equality issues, community cohesion and human rights in Wales.' (9)

## References

1. Sarah Cemlyn et al 'Inequalities experienced by Gypsy and Traveller Communities: a review' EHRC Winter 2009 Referred to throughout as EHRC 2009
- 2 Detailed references for facts in previous paragraphs may be found in John Grayson  
<http://www.irr.org.uk/2011/november/ha000009.html>
3. John Grayson 'Playing the Gypsy Race Card' Institute for Race Relations June 10<sup>th</sup> 2010 <http://www.irr.org.uk/2010/june/ha000020.html>
4. European Dialogue 'The movement of Roma from new E.U. member states: a mapping survey of A2 and A8 Roma in England. Patterns of settlement and current situation of new Roma communities in England.' Report prepared for DCSF (Department for Children Schools and Families) August 2009
5. Marion Horton 'Health and Homes: the health and site needs of transient Gypsies and Travellers in Leeds'.Leeds: Leeds Voice 2004
6. Horton M., Grayson J. and Petrie A 'European Roma in South Yorkshire' Sheffield: AdEd Knowledge Company 2007
7. E.H.R.C March 2009 'Simple Solutions for living together'
8. Power C 2004 'Room to Roam: England's Irish Travellers. Report of Research Funded by the Community Fund. June
9. Welsh Government 'Travelling to a better future: Gypsy and Traveller framework for action and delivery plan' Cardiff September 2011