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Equality Law and GRT communities by Chantal Davies

The **Forum** for
Research
into **Equality** and
Diversity (FRED)



In Collaboration with the Centre for Research into
Education, Creativity and Arts through Practice
Present a Workshop:

**“Gypsy, Roma and Traveller
Communities: A Lived Experience**

OBJECTIVES

- Work of FRED;
- Definitional issues;
- The relevance of the Equality Act 2010;
- The Human Rights Act 2010;
- Recent developments.

Relevant legal issues

- Planning Permission for Caravan Sites
- Enforcement of Planning Control
- Evictions from Unauthorised Encampments
- Security of Tenure
- Racism and Discrimination
- Homelessness
- The Right to Education
- The Right to Healthcare



Definitional Issues

- 2011 Census;
- The GRT community includes:
 - Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers or New Age Travellers, bargees and other people living in boats, fairground and circus families, known as travelling showmen.



The Equality Act 2010

- The ‘protected characteristic’:
 - *Commission for Racial Equality v Dutton [1989] IRLR 8 CA*
 - *O’Leary v Allied Domecq [2000] 2 WLR 17*
 - *R (European Roma Rights Centre) v Immigration Officer at Prague Airport [2004] UKHL 55*
 - *Mr K MacLennan v Gypsy Traveller Education and Information Project (2008) unreported*
- *Forms of discrimination*
- *Areas of protection from discrimination*
- *Public Sector Duty*



The Human Rights Act 1998/The European Convention on Human Rights

- Only against public authorities;
- Can be used where the EA 2010 can't be;
- Relevant articles:
 - Article 8;
 - Article 11;
 - Article 2 of protocol 1;
 - Article 14.

Recent developments

- J, R (on the application of) v Worcestershire County Council & Anor [2013] EWHC 3845 (Admin) (06 December 2013)
- EU Council Recommendation for Roma Inclusion 2013

Useful reading on GRT law

- Johnson, C. & Willers, M. (2007). *Gypsy and Traveller Law*. 2nd ed. Legal Action Group;
- Peroni, L. & Timmer, A. (2013). Vulnerable groups: The promise of an emerging concept in European Human Rights Convention Law. *International Journal of Constitutional Law*, 11(4), 1056;
- Cemlyn, S., Greenfields, M., Burnett, S. Matthews, Z. & Whitwell, C. (2009). *Inequalities experienced by Gypsy and Traveller communities: A review*. Equality and Human Rights Commission.



WEBSITE AND SOCIAL MEDIA

Twitter: @EqualityFRED

Linkedin: http://www.linkedin.com/groups/Forum-Research-into-Equality-Diversity-7417440?trk=my_groups-b-grp-v

Facebook: www.facebook.com/forumforresearchintoequalityanddiversity

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