

AGFE

**ADVISORY GROUP ON FORCED
EVICTIONS**

**MISSION REPORT TO
GREATER LONDON, UK**

Final Draft for Revision by
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I. Executive summary

II. Acknowledgments

This report was edited by Leticia Marques Osorio, AGFE member, under the supervision of Prof. Yves Cabannes, AGFE Chairperson and Head of the mission, with the collaboration of Joseph Jones, Candy Sheridan and Maria Zoltan Floarea, members of AGFE Pool of Experts.

AGFE would like to thank all residents of the visited sites who met with the mission team and gave their testimony regarding their living conditions in sites and in unauthorised encampments. AGFE is also grateful to the District and Borough Councilors who conceded interviews and attended meetings with AGFE under very short notice. Grateful thanks go to all those who provided valuable inputs and comments to the present report: Grattan Puxon, Secretary of Dale Farm Housing Association; Dr. Bob Watt, Head of School of Law, University of Essex; Emma Nuttall, Friends, Families and Travellers Community Base; Andrew Ryder, The Irish Traveller Movement in Britain; Marc Willers, Barrister, and Councillors Ken Ayling and Jeff Stack, from Broxbourne Borough Council and Councillor Steve Hampson, from Southern Cambridgeshire Council. Finally, AGFE is thankful to Mr. Lord Avebury for having the opportunity to present the preliminary findings and recommendation of the mission to the House of the Lords on 14 May 2009.

1. Terms of Reference of AGFE Mission

On 21 to 25 April 2009, the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT carried out a mission to Greater London to address the problem of forced evictions of Roma, Gypsies and Irish Travellers from their sites in England, which have been pointed out as a direct effect of the implementation of planning policies¹. Gypsies and Travellers have been facing great problems in finding authorised places in which to pitch their caravans to live in peace, security and dignity, even when owning the land themselves because the enforcement of restrictive planning policies renders them vulnerable to forced evictions through the service of injunctions cumulative with penal notices.

The mission had the following objectives:

- a) verify and map ongoing events of forced evictions and provide evidence;
- b) assess the territorial planning system to identify the reasons why the tools and mechanisms for the allocation of sites to address the housing/accommodation needs of Travellers/Gypsies/Roma in Greater London have not been working and have been de facto excluding them from achieving their rights;
- c) meet with and listen to the various stakeholders involved in the threatened and implemented evictions;
- d) conduct in-situ visits to Roma/Gypsy/Travellers communities;
- e) identify the duty-bearers responsible for implementing forced evictions as well as the rights and obligations of all parts involved;
- f) identify positive actions taken so far to prevent and halt forced evictions;

¹ See, for instance, the oral statement of Baroness Andrews made at the House of Lords regarding the Travellers families of Basildon. In House of Lords daily debates, 27 January 2009.
<http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/90127-0002.htm#09012747000356>

- g) encourage constructive dialogue between the stakeholders of current or planned evictions with a view to promoting alternative solutions;
- h) report to the Executive Director of UN-HABITAT on the findings and recommendations of the mission.

The mission was conducted by a team comprised of five experts: Prof. Yves Cabannes, head of the mission and AGFE Chairperson; Leticia Marques Osorio, AGFE member and legal officer of the Centre on Housing Rights and Evictions (COHRE); Joseph G. Jones, AGFE Pool of Technical Experts, Commissioner and General Secretary of The Gypsy Council Ltd./Southern England, Vice Chair of the Romany Gypsy & Irish Traveller Network, Chairman of the Thames Valley Gypsy Association and the UK Representative of the International Alliance of Inhabitants (IAI); Candy Sheridan, AGFE Pool of Technical Experts, and representative of Irish Travellers and Chair of the Planning Committee of Norfolk; and Zoltan Floarea AGFE Pool of Technical Experts; representative of Roma people.

2. Methods and Sources

The methods and sources used to carry out research aiming to address the objectives of the mission are the following:

Objective (a): verify and map ongoing events of forced evictions and provide evidence.

AGFE verified representative situations that could act as a sample of the current UK/English situation and map and record previous events and ongoing situations where forced evictions have or are likely to occur and provide evidence. AGFE verified ongoing events of forced evictions in the region of Greater London and up to 1 hour and 30 minute drive from the city. The chosen sites were: 1. Brent (North London); 2. Wormley (District of Broxbourne, Hertfordshire); 3. Aylesbury (Buckinghamshire); 4. Basildon (Essex); 5. Smithy Fen (South Cambridgeshire); 6. Canterbury (Kent); 7. Hemley Hill (Buckinghamshire); 8. Sittingbourne Roadsiders (Kent). Evidence was collected from in-situ visits to private and public sites of Romani Gypsy and Irish Travellers (listed in Annex 1) interviews with community leaders and occupants of such sites, meetings with district councillors and other authorities (listed in Annex 2). Secondary resources, such as relevant literature, videos, documentaries, governmental and community reports, and media articles were also consulted.

Objective (b): assess the territorial planning system in the visited areas to identify the reasons why the tools and mechanisms for the allocation of sites (needed to address the housing² needs of Travellers and Gypsies) and have not been working and have been de facto excluding them from achieving their rights. AGFE met with a number of local planning officials representing District Councils and reviewed legal literature and governmental reports to identify and analyse the current administrative and legal situation. It assessed the instruments being used by local authorities, and how those instruments are used to in the planning system in order to: grant or refuse planning applications for the residential use of land acquired by Gypsies and Travellers; designate or refuse to designate land for sites on which planning permission will be granted for development of mobile-home parks; assess needs for

² Housing needs and housing rights, in this report, has a wide interpretation that encompasses the right of Gypsies, Travellers and Roma to access to and tenure of accommodation culturally adequate to their traditions as an ethnic group. Housing rights in this report follow the meaning laid down on the International Covenant on Economic, Social and Cultural Rights, Art. 11.

overall pitch levels in regional/local spatial strategies; manage unauthorised caravans parks and or developments; enforce planning policies and resort to forced evictions; mainstream Gypsies' and Travellers' accommodation; provide local authority or public sites.

Objectives (c) meet with and listen to the various stakeholders involved in the threatened and implemented evictions; and (d) conduct in-situ visits to Romani Gypsy and Travellers communities. AGFE interviewed the local representatives of Brent in London, Broxbourne in Hertfordshire, Basildon in Essex, South Cambridgeshire Council, Canterbury in Kent, High Wycombe invited one of AGFE team to take part in a panel discussion and Aylesbury refused to engage. AGFE visited and talked with community leaders of the following Gypsy and Traveller sites: Lynton Close (North London), Moat Farm (Kent), the Turner Family (Sittingbourne Industrial Estate), Dale Farm, Crays Hill (Basildon), Swan Edge, Wendover (Buckinghamshire), Hemly Hill, Princess Risborough (Buckinghamshire), Wharf Rd., Broxbourne (Hertfordshire), Smithy Fen (Cambridgeshire). During these meetings, issues related to objectives (a), (b), (e), (f) and (g) were discussed. AGFE visited only eight caravan sites out of the large number that exists in the United Kingdom. Therefore the work is based upon a quite limited sample.

Objective (e): identify the duty-bearers responsible for implementing forced evictions as well as the rights and obligations of all parts involved. AGFE aimed at identifying those persons and/or authorities who have the obligation to respect the right to adequate housing/accommodation and those of the GRT community to be protected against forced evictions. The analysis adopted a human rights based approach so as to take into consideration the norms and standards contained in international human rights treaties ratified by the United Kingdom, which entail rights and obligations that must be observed, respected and honoured by the State-Party, the right holders and third parties.

Objective (f): identify positive actions taken so far to prevent and halt forced evictions. AGFE sought to identify positive actions being implemented by local authorities to assure a security of tenure to those living in unauthorised encampments and/or developments, through negotiated solutions accepted by the involved parties.

Objective (g): encourage constructive dialogue between the stakeholders of current or planned evictions with a view to promoting alternative solutions. AGFE sought to identify how local authorities enforce planning control and ascertain whether negotiated solutions are the preferred option for addressing unauthorised encampments and/or caravan sites developments rather than resorting to forced evictions.

3. Legislative and Policy Frameworks for Promoting Gypsy, Traveller and Roma Housing Rights

3.1. The status of Romani Gypsies, Irish Travellers and Roma community

a) Identity – The Commission for Racial Equality (CRE) estimated that “of the 200,000 to 300,000 Travellers in England, by far the largest group are Romani Gypsies who have been in England since the early 16th century. Romani Gypsies have been recognised as a racial group since 1988... Irish Travellers, who have been travelling in England as a distinct social group since

the 1200s, received legal recognition as a racial group in England and Wales in 2000.”³ Scottish Travellers were recognised as an ethnic group in 2008.

The legal position of nomadic groups in the UK is two-fold. The definition for the planning law purposes is that Gypsies are “persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family’s dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showmen or those engaged in travelling circuses”⁴. In this case, the definition is explicitly concerned with habitual lifestyle rather than ethnicity, and may include both ‘born’ Gypsies or Travellers and ‘elective’ Travellers such as the so-called New (Age) Travellers, once a sufficient nomadic habit of life has been established”⁵. For the purposes of the Race Relations Act (RRA) 1976, Gypsies are defined by ethnic criteria, as those belonging to a racial group through birth or marriage. As such, two contradictory definitions can be applied.

The Race Relations Act 1976, which considers Romani Gypsies and Irish Travellers as racial groups, provides that local authorities must ensure that they exercise their planning functions with the due regard to the need to eliminate unlawful discrimination against Romani Gypsies and Irish Travellers. However, in order to benefit from the government guidance on the provision of Gypsy and Traveller sites, it is not enough for an applicant to prove that s/he is an ethnic Gypsy or Traveller; an applicant must show s/he has ‘Gypsy status’, that is, that s/he is a person with specific life habits.⁶ This issue has generated a substantial amount of litigation because of the recognised tendency of local planning authorities to try to ‘prove’ that the Gypsies or Travellers that are seeking planning permission are not entitled to such Gypsy status⁷. “Over the years, the courts have continued to emphasise the centrality of economy over ethnicity. The association in the sedentary mind between Gypsies and this type of economic nomadism has now become so strong that such travel is considered the essential element of Gypsy status in the law. The implications of institutionalising the legal definition of ‘Gypsy’ in this way remain unresolved”⁸.

The nomadism of Gypsies and Travellers has always been permeated with economic dimensions stemming from the historical basis of their persecution and from the presence of niches in the wider British society. For Gypsy, Roma and Traveller community travelling has social and economic functions as it permits social organisation, adaptability and flexibility, besides making the practice of trading possible.⁹ Alongside the stereotype of being a sub-proletariat people who had taken to the travelling life in order to avoid work, taxes and other social responsibilities, from the 19th century onwards a new stereotype evolved, the ‘real Gypsy’, racially pure, noble in spirit. Parliamentary debates, in Britain and elsewhere, contain many references to these imaginary beings.¹⁰ Thus the myth of the ‘real Gypsy’ legitimated the persecution of those who do not conform to such stereotypical notions of Gypsyhood held by dominant society.¹¹ With regards to

³ *Gypsies and Travellers: a strategy for the CRE, 2004-2007* (CRE 2004), p. 3, note 2.

⁴ Circular 1/06, para. 15.

⁵ Report on the Provision and Condition of Local Authority Gypsy/Traveller Sites in England (2002), p. 7.

⁶ Ibid, p.110.

⁷ According to the Welsh Assembly’s Equality of Opportunity Committee. See *Review of service provision for Gypsies and Travellers*, National Assembly for Wales, 2003.

⁸ Angus Murdoch and Chris Johnson, *Introduction*, in Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p.15.

⁹ Ibid. p. 8.

¹⁰ Kenrick and Puxton. *The destiny of Europe’s Gypsies*, Chatto-Heinemann, 1972, p. 30- 40.

¹¹ Angus Murdoch and Chris Johnson, *Introduction*, In Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p.9.

Irish Travellers, they are subject to similar assumptions and prejudice: the misconception that they originated as the 'dispossessed of the Great Famine in Ireland' has led to a concept where they are seen as 'failed settled people' rather than as a distinct ethnic group¹², who by way of self-definition call themselves Pavee or Mincair, and consider themselves to be a people distinct from the majority whom they call *buffers*.

In contemporary times, Gypsies and Travellers have adapted their economic system successfully to growing industrialisation. "In Britain, urbanisation did not prove incompatible with maintaining a degree of nomadism... they moved from village to town where necessary and abandoned old trades in favour of new activities more suited to the times, but without compromising their freedom, their ethnic identity or their occupational and residential flexibility A less resilient culture might have succumbed completely; the Gypsies did not".¹³

In comparison with the Irish and Scottish Traveller, formerly called Tinkers, and Gypsy communities within the United Kingdom, the Romani refugee, asylum seekers and economic migrants constitute the largest and most excluded community. Romani people are a nation of approximately 12-15 million people dispersed all over the world, mostly in Europe, and without territory of their own. The multiple discrimination and exclusion historically faced by Romani people all over Europe such as enslavement and then genocide during the Nazi period constitute the main bases of constructing their dehumanisation from where racist attacks and institutional violence emerged. Lack of access to the labour market condemned Roma refugee, asylum seekers and economic migrants to having no access to social-economic independence and to non participation within the mainstream society. As a result of labour market exclusion, it is reported that that 99% of those recent Roma migrants residing in the United Kingdom are dependent on state welfare aid and most live in sub-standard housing.

b) Provision of sites – For centuries the common land in England provided lawful stopping places for people whose way of life was or had become nomadic. Through the Caravan Sites and Control of Development Act (CSCDA) 1960, local authorities¹⁴ were given the power to close the commons to Travellers, and, at the same time, the power to open caravan sites to compensate for such closures. By the Caravan Sites Act (CSA) 1968 such power became a duty and placed an obligation on county councils to determine what sites were to be provided and to acquire the requisite land (subject to consultations and consideration of any objection through the planning process)¹⁵. The district or county councils were responsible for the management of the sites.

In the subsequent decades there followed a history of non-compliance with the duties imposed by the 1968 Act. Then in 1994 the Criminal Justice and Public Order Act (CJPOA) repealed the government's duty to provide sites. The present duty is for local authorities to designate land suitable for Gypsy caravan sites in development plans. Hence, Gypsies and Travellers were encouraged to make their own provision by utilising the planning system. However, "with no duty in place, public site provision effectively ground to a halt and the number of pitches available began to decline¹⁶. The Gypsy and Traveller Accommodation Assessments (GTAAs) have demonstrated a significant shortage of site accommodation in most parts of England. The

¹² Ibid. p. 10.

¹³ Fraser, *The Gypsies*, Blackwell, 1995, p. 93.

¹⁴ The term 'local authorities' for the purpose of CSCDA 1960 is defined as including a county council, a district council, the Common Council of the City of London, the Council of the Isles of Scilly, and a London borough.

¹⁵ CSA 1968 ss7 and 8.

¹⁶ For instance, since 1994, by 2002 139 residential pitches were lost due to site closure. See Niner, *The provision and condition of local authority Gypsy/Traveller site in England*, ODPM, 2002, p. 17.

studies suggest the need to add at least half as many authorised pitches as currently exist over a five year period; in the region of East of England, visited by AGFE, almost double the current total is needed (1,850 current authorised pitches plus 1,220 as additional requirement).¹⁷ “This suggests the need for a major change in provision rates over what has been achieved over the past ten years”.¹⁸

The cumulative effect of poverty and the diminution of stopping places have impacted on Britain’s nomadic populations in serious ways. The loss of traditional sites was accompanied by a concomitant decline in the health of Gypsies and Travellers, due to the extremely poor environmental conditions that often exists on unauthorised sites.¹⁹ The Communities and Local Government (CLG)²⁰ Count of Gypsies Caravans (2007) found that:

- 6,564 caravans were on authorised council sites²¹;
- 6,509 caravans were on authorised private sites;
- 3,538 caravans were on unauthorised sites, and;
- a total of 16,611 caravans were counted.

The total number of sites provided by local authorities and registered social landlords in England amounts to 4,820 (January 2009) of which 4,609 are residential sites and 211 are transit sites²². The caravan capacity is estimated in 7,865.

According to Sarah Spencer, one of the Commissioners of the CRE, the majority of the caravans that are homes to Gypsies and Travellers in England are on sites provided by local authorities, or are privately owned with planning permission for this use. But the location and condition of these sites would not be tolerated for any other section of society: 26% are situated next to, or under, motorways; 13% next to airfield runways. 12% are next to rubbish tips, and 4% adjacent to sewage farms. Tucked away out of sight, far from shops and schools, they can frequently lack public transport to reach jobs and essential services... Overt discrimination remains a common experience.²³

3.2. International human rights’ framework

The United Kingdom has ratified a range of international human rights instruments that guarantee the right to adequate housing/accommodation and the right to be protected against forced evictions of persons belonging to ethnic minorities, such as Romani Gypsies, Irish Travellers and Roma. It has also ratified international instruments that protect such minorities against racism and discrimination.

¹⁷ Centre for Urban and Regional Studies, *Gypsies and Travellers Accommodation Assessments: perceptions of progress, finding from workshops*, Pat Niner (facilitator), 2008, p. 10.

See at: http://www.curs.bham.ac.uk/research_consultancy/pdfs/Niner_Report_Final.pdf

¹⁸ Ibid.

¹⁹ Chris Johnson and Marc Willers, *‘Gypsy and Traveller Law’*, Legal Action Group, 2007, p. 14.

²⁰ CLG is the government department with responsibilities for Gypsy and Traveller accommodation issues.

²¹ An unauthorised encampment is an area where Gypsies or Travellers reside in vehicles or tents without permission. An unauthorised development takes place on land owned by Gypsies or Travellers without the benefit of planning permission. Report of the Commission for Racial Equality “Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers” (2004), p. 278.

²² Report produced by Data and Statistics Infrastructure for Communities and Local Government, 19 January 2009.

²³ Sasha Barton and Marc Willers, *Race Discrimination*, In Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p.280.

a) The right to adequate housing/accommodation – The International Covenant on Economic, Social and Cultural Rights (ICESCR)²⁴ is the most relevant document to this right²⁵. The United Kingdom is thus bound to Article 11(1) which guarantees the right of everyone to an adequate standard of living including adequate housing, and to the continuous improvement of living conditions.

In 1991, the Committee on Economic, Social and Cultural Rights adopted General Comment n. 4 on the Right to Adequate Housing²⁶, which provides the most authoritative legal interpretation of that right. It is interpreted in a wide and comprehensive sense, as the right to live somewhere in security, peace and dignity. The concept of adequacy points out a number of factors which must be taken into account in determining which forms of shelter can be considered to constitute ‘adequate housing’²⁷: a) legal security of tenure; b) availability of services, materials, facilities and infra-structure; c) affordability; d) habitability; e) accessibility; f) location; and g) cultural adequacy²⁸.

References to housing rights have been included in the Istanbul Declaration on Human Settlements, the Habitat Agenda, Agenda 21, and the Vancouver Declaration on Human Settlements. The Habitat Agenda establishes goals, principals and commitments to be adopted by governments towards the implementation of a global plan of action for the realisation of housing rights. It states that “...*within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization*”²⁹ of the right to adequate housing³⁰. In order to fulfil these obligations the State is required to take steps to the

²⁴ Ratified by the United Kingdom on 20/5/76.

²⁵ In addition to the ICESCR, housing rights are found in a number of other international instruments that were ratified by the United Kingdom, including, *inter alia*: the International Covenant on Civil and Political Rights (ICCPR - ratified on 20/5/76), which protects persons from arbitrary or unlawful interference with their home (Art. 17); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD - ratified on 7/3/69), Art. 5(e)(iii), prohibits discrimination on account of race, colour, or national or ethnic origin with respect to the right to housing; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW - ratified on 7/4/86), in Art. 14(2)(h), obliges States Parties to eliminate discrimination against women in rural areas in order to ensure the enjoyment of adequate living conditions, particularly in relation to housing; and the Convention on the Rights of the Child (CRC - ratified on 16/12/91), which obliges States Parties to provide, in case of need, material assistance and support programmes to families and children, particularly with regard to housing (Art. 27(3)). At a European level, the European Convention for the Protection of Human Rights and Fundamental Freedoms recognises the right of everyone to respect for his private and family life, his home and correspondence (Art. 8). The Convention was ratified on 8/3/1951; entry into force on 3/9/53. The United Kingdom has neither ratified the Revised European Social Charter (signed on 7/11/1997) nor the Collective Complaints Protocol (1995).

²⁶ UN Doc. E/1992/23-E/C.12/1991/4, annex III. All General Comments are available under OHCHR website.

²⁷ Ibid., para. 8.

²⁸ The ‘cultural adequacy component’ refers to the way housing is constructed or provided. The building materials used and the policies supporting these must be appropriate to enable the expression of cultural identity and diversity of housing. Activities geared towards development or modernisation in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed (General Comment. N. 4, para.8.g). Gypsies and Travellers must be given the chance to partake in the planning of housing to ensure a reflection of their collective identity.

²⁹ General Comment n. 3, para. 9, clarifies the concept of progressive realisation: “it constitutes a recognition of the fact that the full realisation of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. ...[However] the fact that the progressive realisation is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content... It does impose an obligation to move expeditiously and effectively as possible towards that goal [the full realisation of the right in question]. Moreover, any deliberately retrogressive measures in that regards would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources”.

³⁰ Ibid. para. 61.

‘maximum of its available resources’³¹, with a view to achieving progressively the full realisation of the right to housing³². Notwithstanding the level of economic development, the State has a minimum core obligation to ensure that its population are guaranteed the minimum essential levels of the right to housing. Thus a State must address immediately the housing needs of its population if any significant number of individuals [or groups] is deprived of basic shelter. Moreover, any deliberate retrogressive measures and the practice of forced evictions may be considered a *prima facie* violation of the right to adequate housing³³.

Security of tenure is one of the key issues in the analysis of the right to adequate housing so far as the accommodation of the Gypsy and Traveller population is concerned.³⁴ Without tenure security, formal or informal, the right to housing is under constant threat and the risk of forced eviction will always be imminent. A person or household can be said to have secure tenure “when they are protected from involuntary removal from their land or residence, except in exceptional circumstances, and then only by means of a known and agreed legal procedure, which must itself be objective, equally applicable, contestable and independent. Such exceptional circumstances might include situations where physical safety of life and property is threatened or where the persons to be evicted have themselves taken occupation of the property by force or intimidation”.³⁵ General Comment n. 4 places security of tenure in the category of legal entitlements arising under the ICESCR, para. 8(a): “*tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment or other threats. States Parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups*”. Being a central element of the human right to housing, tenure security must be guaranteed to all, with equity and without discrimination.³⁶ Attention to the special needs and priorities of minorities groups should be given by governments at appropriate levels, so as to democratise access to land, guarantee security of tenure and adequate shelter.

b) The right to be protected against forced evictions – One of the principal aspects of the obligation to respect the right to housing is the duty of the State not to allow forced evictions to occur. The General Comment n. 7 (1997)³⁷ of the Committee on Economic, Social and Cultural Rights establishes that all people shall have a degree of tenure security that guarantees legal protection against forced evictions and other threats. The term ‘forced eviction’ is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to,

³¹ According to General Comment n. 3 of the CESCR, even when available resources are verifiable inadequate, States must nonetheless strive to ensure the widest possible enjoyment of the relevant rights under prevailing circumstances and must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to the minimum core obligation, its minimum responsibility.

³² Art. 2 of the ICESCR.

³³ UN Habitat. Housing Legislation. United Nations Housing Rights Programme, Report n. 1, Nairobi, 2002, p. 21-22.

³⁴ General Comment n. 4 of the CESCR provides a clear framework for understanding the concept of the right to adequate housing envisaged in Art. 11(1) of the ICESCR. It defines the term ‘adequate housing’ to include rights to: legal security of tenure; availability of services, materials, facilities and infrastructure; location; habitability; affordability; accessibility; and cultural adequacy (Para. 8).

³⁵ UNCHS, *Implementing the Habitat Agenda: Adequate Shelter for All, Global Campaign for Secure Tenure*, UNCHS, Nairobi, 1999.

³⁶ Article 2(2) of the ICESCR and Art. 5(e)(iii) of the ICERD, which prohibits any discrimination disparately affecting the enjoyment of the right to adequate housing.

³⁷ UN doc. E/C.12/1997/4

appropriate forms of legal or other protection. The prohibition on forced evictions will not apply only to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Human Rights Covenants³⁸.

The General Comment n. 4 asserts that *“instances of forced evictions are prima facie incompatible with the requirements of the ICESCR and can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law”*³⁹. Exceptional circumstances are, for instance, the lack of rent payment by those who have the financial ability to pay or the violent occupation of an estate that had been previously occupied. Even under such exceptional circumstances, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. *“Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available”*⁴⁰. Additionally, forced evictions and house demolitions as a punitive measure are also inconsistent with the norms of the ICESCR⁴¹.

In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality⁴². Appropriate procedural protection and due process that should be applied in relation to forced evictions must include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts⁴³. In addition, eviction operations must be the subject of a Risk Assessment, especially in relation to injury and trauma likely to be caused to children, the sick and

c) Special rights and non-discrimination – The right to adequate housing, including mobile-homes, and to be protected against forced evictions must be guaranteed by the United Kingdom with no discrimination against Gypsies, Travellers and Roma. Discrimination has been interpreted to “imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, language, religion, national and social origin, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms”⁴⁴.

³⁸ OHCHR. Forced Evictions and Human Rights. Fact-Sheet n. 25, Geneva, 2001.

³⁹ General Comment n. 4, para. 18 and Resolution n. 1993/77 of the UN Commission on Human Rights.

⁴⁰ General Comment n. 7, Para. 16.

⁴¹ Ibid., Para. 12.

⁴² General Comment n. 7, Para. 14 and General Comment n.16 of the Human Rights Committee, relating to article 17 of the ICCPR, which states that interference with a person’s home can only take place “in cases envisaged by the law”. The Committee observed that the law “should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances”.

⁴³ Ibid. Para. 15.

⁴⁴ General Comment n. 18 of the Human Rights Committee on non-discrimination under the Covenant on Civil and Political Rights. UN doc. HRI/GEN/1/Rev.2 of 29 March 1996.

No universal satisfactory definition for ‘minority’ has proved acceptable to the UN Sub-Commission on the Promotion and Protection of Human Rights⁴⁵. The difficulty in establishing a definition lies in the variety of situations in which minorities exist. The most commonly used description is “the non-dominant group of individuals who share certain national, ethnic, religious or linguistic characteristics which are different from those of the majority population [in a given State]”⁴⁶. It also has been argued that the use of self-definition, understood as “a will on the part of the members or groups in question to preserve their own characteristics and to be accepted as part of that group by the other members”⁴⁷, could provide a viable option.

Despite the difficulty in arriving at a universally acceptable definition, minorities are entitled to be accorded special rights as a means to achieving equality of treatment and non-discrimination. They are not privileges, but are granted to make it possible for minorities to preserve their traditions, identity and culture. Differences in treatment of such groups, or individuals belonging to them, are justified if they are exercised to promote effective equality and the welfare of the community as a whole.⁴⁸ “This form of affirmative action may have to be sustained over a prolonged period in order to enable minority groups to benefit from society on an equal footing with the majority.”⁴⁹

General Comment n. 4 also provides that “*States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration*”. In the same vein, Principle 14 of the Limburg Principles on the Implementation of the ICESCR states that “*given the significance for development of the progressive realization of the rights set forth in the Covenant of ESC Rights, particular attention should be given to measures to improve the standard of living of the poor and other disadvantaged groups, taking into account that special measures may be required to protect cultural rights of minorities*”.

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities⁵⁰ grants to persons belonging to minorities the right to participate in decisions which affect them on the national and regional levels (Art. 2.3) and provides that the State shall consider the legitimate interests of minorities in developing national policies and programmes, as well as in planning and implementing programmes of cooperation and assistance (art. 5).

Non-discrimination clauses are also included in many basic European human rights documents, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms⁵¹ (Council of Europe), the European Social Charter (1961)⁵² and the Framework Convention on National Minorities (Council of Europe), among others. The European Court of Human Rights has recognised that the vulnerable position of Gypsies and Travellers as a minority requires that special consideration should be given to their needs and their different lifestyle both in the relevant regulatory planning framework and in arriving at decisions in

⁴⁵ See “Definition of Minorities” by Mr. Stanislav Chernichenko, E/CN.4/Sub.2/AC.5/1996/WP.1 and E/CN.4/Sub.2/AC.5/1997/WP.1; Classification of minorities and differentiation in minority rights”, by Mr. Asbjorn Eide, E/CN.4/Sub.2/AC.5/1996/WP.2.

⁴⁶ OHCHR. UN Fact-Sheet n. 18, Minority Rights, Geneva, 1998, p. 14.

⁴⁷ See “Study on the Right of Persons Belonging to Ethnic, Religious and Linguistic Minorities”, *Study Series No. 5*, p. 96.

⁴⁸ UN doc. E/CN.4/52, section V.

⁴⁹ OHCHR. UN Fact-Sheet n. 18, Minority Rights, Geneva, 1998, p. 5.

⁵⁰ Adopted by the General Assembly on 18 December 1992 (Resolution 47/135).

⁵¹ Housing provisions are enshrined in Art. 8(1) and Art. 1(1) of Protocol No. 1 of the ECHR.

⁵² Housing rights provisions are found in articles 16 and 19(4) of the Charter and within article 4 of the Additional Protocol to the Charter.

particular cases.⁵³ It consists of a positive obligation imposed on states by Art. 8 of the European Convention to ‘facilitate the Gypsy way of life’.⁵⁴

The most recent Concluding Observations issued by UN Treaty Bodies to the United Kingdom regarding compliance and application of the main international human rights instruments to Gypsies and Travellers are listed in Annex III.

3.3 National framework

a) Provision of adequate accommodation/caravan sites – The duty imposed on local authorities to provide caravan sites for Gypsies’ and Travellers’ caravans was repealed by the CJPOA 1994 and now only the powers to provide temporary or permanent sites remain. Whilst the CSCDA 1960 powers to provide temporary or permanent sites have remained in place, since 1994 they are rarely, if ever, used. Instead it is and has been government policy since 1994 that Gypsy and Traveller sites are to be provided through private endeavour by such communities themselves.

To that end in 1994 the Department of Environment issued Circular 1/94 which advised local planning authorities to assess the needs of Gypsies and Travellers within their areas and to identify locations suitable for sites in their development plans. Where such identification was not possible, they were advised to produce criteria-based policies for site provision. However, the advice of Circular 1/94 was not followed by the majority of local authorities and it was finally replaced by the Office of the Deputy Prime Minister in 2006 when it issued Circular 1/06. The new Circular gave local authorities more positive planning advice than its predecessor and required each local authority:

- to assess the accommodation needs of Gypsies and Travellers within its area;
- to report the level of need to the regional planning body, which would then determine the level of need that should be accommodated within the local authority’s area;
- and then to identify locations in its development plan in which that need could be accommodated.

The Housing Act 2004 requires local authorities to provide sites for Gypsies and Travellers where a need has been established. This need is assessed through regional Gypsy and Traveller accommodation needs assessments, which then should inform local authorities’ strategies to meet these needs. Planning Circular 01/2006 sets out how Gypsy and Traveller accommodation needs assessments should inform overall pitch levels in Regional Spatial Strategies, and how additional pitches are to be distributed amongst local planning authorities. Using this evidence of need, local planning authorities must identify land suitable for pitches and criteria used to assess planning applications for pitches in the Local Development Framework. Where there is clear and immediate need local planning authorities should bring forward Development Plan Documents (DPDs) containing site allocations in advance of regional consideration of pitch numbers.⁵⁵

A significant number of authorised local authority sites still exist. There is no specific statutory regime that applies to the allocation of pitches on local authority sites. Most local authorities operate a waiting list system regarding allocation of sites and must have allocation policies in place. The Communities and Local Government (CLG) Draft Guidance on the management of

⁵³ Buckley (1996) 23 EHRR 101 at paras 76, 80, 84; Chapman (2001) 33 EHRR at para. 96.

⁵⁴ Murray Hunt and Marc Willers, *How the Human Rights Act 1998 affects Gypsies and Travellers*, in Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p.33.

⁵⁵ Circular 01/2006 para 43.

Gypsy and Traveller sites 2007 recommends that “while landlords are free to devise allocation schemes which make the best use of available resources in the light of local circumstances, the priority for the allocation of a suitable pitch should be given to applicants who are in greatest need and all those on the waiting list should receive due consideration on the basis of an assessment of their needs” (para 7.1.)⁵⁶. However, few local authorities seem to have a policy on providing permanent or transit public sites⁵⁷. The Secretary of State has powers of direction/intervention where councils fail to deliver and such powers should be utilised at the earliest opportunity as to ensure that sites are brought forward without delay.

b) Forced Evictions – Since the introduction of the CJPOA 1994, Gypsies and Travellers have been facing major difficulties in trying to obtain planning permission to develop their sites. “Using the 1994 Act, the police and local authorities may direct persons who are unlawfully residing in vehicles on land in their own area to leave⁵⁸. These powers extend to privately owned or rented land. It is an offence to fail to comply with such a direction or to return within three months. A magistrates’ court can make a removal order authorising the police or the local authority to enter the land and remove the persons and vehicles.⁵⁹ Failure to obey a direction made by the police or returning to the land in question can result in arrest and imprisonment of Gypsies’ and Travellers’ homes, even before a magistrates’ court order has been obtained.⁶⁰

Up until very recently those Gypsies and Travellers who lived on local authority sites have no real protection against eviction provided that they were given four week’s notice and a court order has been obtained.⁶¹ The lack of protection against a court-ordered eviction accorded to Gypsies and Travellers living in local authority sites contrasts with the protection against evictions enjoyed by those who occupy sites covered by the Mobile Home Act (MHA) 1983. In case a person lives in a caravan or mobile home as his/her only or main residence, the Act 1983 confers even further protection. Such a person may not be evicted save by court order, when the site owner breaches the licence agreement and fails to remedy that breach within a reasonable time. This protection was before conferred on occupiers of caravans living on privately owned residential sites and also the occupiers of local authority sites. However, section 5(1) of the MHA 1983 made it clear that the protection was not available to those living on land used by a local authority as a caravan site for Gypsies.

⁵⁶ The final version has been now published.

⁵⁷ According to interviews conducted with district councillors and other authorities listed in Annex 2 as well as the CRE’s inquiry launched in October 2004 to analyse how local authorities in England and Wales were meeting the duty to promote race equality with respect to Gypsies and Travellers. A total of 236 local authorities participated in the inquiry. Report of the Commission for Racial Equality “Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers” (2004), p. 21.

⁵⁸ Section 61 of the 1994 Act provides: ‘(1) If the senior police officer present at the scene reasonably believes that two or more persons are trespassing on land and are present there with the common purpose of residing there for any period, that reasonable steps have been taken by or on behalf of the occupier to ask them to leave and - (a) that any of those persons has caused damage to the land or to property on the land or used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his, or (b) that those persons have between them six or more vehicles on the land, he may direct those persons, or any of them, to leave the land and to remove any vehicles or other property they have with them on the land.’ There is no need for written notice.

Section 77 provides: ‘(1) If it appears to a local authority that persons are for the time being residing in a vehicle or vehicles within that authority’s area - (a) on any land forming part of a highway; (b) on any other unoccupied land; or (c) on any occupied land without the consent of the occupier, the authority may give a direction that those persons and any others with them are to leave the land and remove the vehicle or vehicles and any other property they have with them on the land.’

⁵⁹ Johnson, C.; Murdoch, A. and Willers, M. The Law relating to Gypsies and Travellers. Mimeo, pg. 2. <http://www.gypsy-traveller.org/pdfs/The law relating to.pdf>

⁶⁰ Ibid., p. 2.

⁶¹ Caravan Sites Act (CSA) 1968, ss2, 3 and 4.

These different levels of security of tenure led to claims that the legislation was incompatible with the provisions of international human rights law in general and with the European Convention of Human Rights in particular. In the case *Connors v UK*⁶², for instance, the European Court of Human Rights judged that the eviction of Mr. Connors and his family of Irish Travellers from a local authority run site in circumstances where he was not given an opportunity to defend the claim for possession, was a serious interference with the right to respect for his private home (Art. 8) and it required particularly weighty reasons of public interest by way of justification.

As a consequence of the decision in *Connors v UK* provisions in the Housing Act 2004 were introduced which amended CSA 1968 and gave judges the power to suspend possession orders against Gypsies and Travellers living on official sites for periods up to 12 months. Since then provisions in the Housing and Regeneration Act 2008 have been enacted so that the Government has the power to amend the MHA 1983 and to provide those living on local authority run Gypsy sites with the security of tenure enjoyed by those living on other mobile home sites. However, those provisions are not yet in force⁶³. Whilst a change to the law is awaited, Gypsies and Travellers on local authority sites find themselves unprotected against evictions.^{64 65}

If development⁶⁶ of a site is carried out without the grant of the required planning permission, the local authority may: a) issue an enforcement notice where it appears to it that there has been a breach of planning control⁶⁷; b) issue a temporary stop notice to cease any activities which contravenes planning control; c) seek a planning enforcement injunction⁶⁸ from the court; d) take direct action to execute a valid enforcement notice which has not been complied with and then recover from the owner of the land any expenses incurred by them in doing so; e) take no action.

Local authorities have the power to take direct action to evict Gypsies and Travellers from unauthorised sites, according to the Town and Country Planning Act (TCPA) 1990. In most of the cases the judiciary has adopted a submissive approach to the decisions made by local planning authorities.⁶⁹ Before the duty to provide caravan sites was repealed by the CJPOA 1994 it was possible to challenge a local authority's decision to take eviction action against an unauthorised encampment arguing that it had failed to provide sufficient sites. Now the authorities are armed with more draconian eviction powers⁷⁰.

⁶² (2004) 40 EHRR 189.

⁶³ The Government has indicated that secondary legislation required to implement the necessary changes will be laid before Parliament in 2009.

⁶⁴ David Watkinson, Chris Johnson, Sharon Baxter and Stephen Cottle, *Rented Gypsy and Traveller site*, In Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p.67.

⁶⁵ Ibid.

⁶⁶ Development is carried out through building or other works on the land for the construction of hard standings, bringing on caravans and other temporary structures to facilitate the use of the land as a caravan site.

⁶⁷ There is a right to appeal against an enforcement notice to the Secretariat of State on grounds established by the Town and Country Planning Act 1990.

⁶⁸ Local authorities have the discretionary power to seek planning injunctions under the Town and Country Planning Act 1990 (as amended) and can apply to the courts to stop and actual or alleged breach of planning control. Failure to comply with an injunction can lead to fines or imprisonment. (Report of the CRE "Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers" (2004), p. 274.

⁶⁹ Murray Hunt and Marc Willers, *How the Human Rights Act 1998 affects Gypsies and Travellers*, in Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p.42.

⁷⁰ Chris Johnson and David Watkinson, *Evictions from unauthorised encampments*, in Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p. 153.

After the coming into force of the Human Rights Act (HRA) 1998, the Court of Appeal held that the judge deciding whether to grant a planning injunction to restrain the use of land as a caravan site must consider a variety of factors which must be weighted in the balance between the requirements of planning police and the needs of Gypsies or Travellers engaged in the case⁷¹. The HRA 1998 requires public authorities to consider carefully the proportionality of their actions when making decisions which interfere with the right to respect for the home (Art. 8 of the European Convention). It can be considered a serious interference if a measure is taken imposing criminal sanctions in a case where the Gypsies or Travellers continue to use their land for the stationing of caravans without planning permission and in circumstances where there are no alternative sites available and there is no other way in which they can continue to lead their traditional lifestyle within the law⁷².

In 1998 the government produced guidance on 'Managing Unauthorised Camping: A Good Practice Guide'⁷³ which calls on local authorities, the police and other relevant agencies to have written policies on the issue of unauthorised encampments and to take into account considerations of common humanity regardless of the eviction process being deployed⁷⁴. The Guidance states that, whilst it is legitimate for local authorities and the police to use their powers to evict occupiers from unauthorised encampments, it would not be appropriate for it to be the first response in every case.

c) Special rights and non-discrimination – Although in theory Gypsies and Travellers enjoy the same rights to public services as the settled community, in practice they often experience discrimination in such access to such services. By way of example it is worth noting that although public authorities have had a duty to promote equality of opportunity to eliminate racial discrimination since 2001, the CRE survey found that in 2004 only a quarter of local authorities had a policy on providing Gypsies sites⁷⁵.

4. Findings

Gypsies, Irish and Scottish Travellers and European Roma, although being British Citizens, often face great difficulties in finding a place to live in peace, security and dignity in the United Kingdom due to a long-standing shortage of provision of adequate permanent sites for their residence.⁷⁶ Designation of locations for sites is of the responsibility of local authorities and at present the regional planning bodies are in the process of determining the number of sites that each local authority should identify in its development plans, following the needs assessment exercise which has been completed (to varying degrees) in most parts of the country. However,

⁷¹ Murray Hunt and Marc Willers, *How the Human Rights Act 1998 affects Gypsies and Travellers*, In Chris Johnson and Marc Willers (Eds), *Gypsy and Traveller Law*, Legal Action Group, 2007, p. 43.

⁷² Ibid. p. 28.

⁷³ Produced by the Department of the Environment, Transport and the Regions (DETR) and the Home Office (HO); reformed in 2000 and 2004.

⁷⁴ The Human Rights Act (HRA) applies to all public authorities including local authorities (including town and parish councils), police, public bodies and the courts. With regard to eviction, the issue that must be determined is whether the interference with Gypsy/Traveller family life and home is justified and proportionate. Johnson, C.; Murdoch, A. and Willers, M. *The Law relating to Gypsies and Travellers*. Mimeo, pg. 5. http://www.gypsy-traveller.org/pdfs/The_law_relating_to.pdf

⁷⁵ Report of the CRE "Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers" (2004), p. 90.

⁷⁶ We are not aware of any comprehensive study that has been done into the accommodation problems currently facing European Roma in the UK.

identification of permanent land sites demands further action and investments in the acquisition of land either by the local authority or by the community itself, caravan site developments, and the approval of planning permits for permanent residential use.

Evidence indicates that public provision of permanent and non permanent sites has been extremely poor despite the placement of an explicit policy framework and various structures and resources. Hence, there is a pressure on non permanent sites to become permanent, and as a consequence the nomadic life style is not made possible. Long stays on non permanent sites bring new pretexts for evictions. The lack of public provision of permanent adequate sites (where people can station their caravans permanently) associated with underlying racial discrimination, negative interpretation of planning policies and intolerance of cultural differences, have prevented Romani Gypsies and Irish Travellers from obtaining adequate places to live. As a result, a very high proportion of them are homeless. In a nutshell the policy is not adequate insofar as it does not address the problem of lack of permanent and transit sites properly. The Government should revise and improve the existing policy at design, implementation and public control levels. As it is now designed, it is clearly an excluding policy.

Access to affordable and suitable land to develop Gypsy sites is, and has been, a major difficulty. The situation has often forced Romani Gypsies or Irish Travellers to buy land in inappropriate areas, which leads then to a struggle to gain planning permission which can last for many years. They often resort to unauthorised development in order to meet their most immediate and fundamental needs vis-à-vis housing, sanitation, education and health. Most retrospective planning applications are rejected on grounds which seem discriminatory and punitive, and the planning system procedures have been shown to be cumbersome and particularly costly for the Romani Gypsy and Irish Traveller communities.

Enforcement action to deal with unauthorised site development is often taken by local authorities using a range of powers such as their ability to serve enforcement notices and/or seek injunction orders together with penal notices, which can ultimately lead to (i) violent and traumatic forced evictions, frequently carried out by private bailiff companies⁷⁷; (ii) destruction of assets and the burning down of property or caravans, chalets and huts; (iii) imprisonment orders that render Gypsies and Travellers even more socially excluded. AGFE members found consistent evidence of forced evictions taking place systematically in the UK, on grounds of discriminatory planning policies and legislation, which affect Romani Gypsies and Irish Travellers disproportionately. Forced evictions of road side Travellers have been even more violent, as the families are subjected to repeated instances of displacement within short periods of time, which has both a very traumatic effects upon the already vulnerable population and a very high financial cost to the tax payers⁷⁸. This is the wrong approach to address adequately the issue, and decisions taken by local authorities are aggravating the problem instead of providing solutions that would meet the clear and urgent need for sufficient sites on which Gypsies and Travellers can live.

Evidence also indicates that the Romani Gypsy and Irish Traveller communities are excluded from participating in planning decision-making and that they have not been consulted about

⁷⁷ One example is the eviction of Travellers from Meadowlands (2004). See information at <http://www.youtube.com/user/GypsyCouncil>

⁷⁸ See for instance the short documentary “Open Roads: a short film with young Travellers”, a project supported by the Local Network Fund and Youth Division. AGFE also interviewed members of the Turner Family who have been evicted from public roads several times.

policies and practices that have a disproportionate impact on their lives⁷⁹. The current situation seems particularly unfair when one considers that these communities have contributed quite positively to the wealth of the country and to the growth of its rich cultural diversity. For instance, for many years Irish Travellers and Romani Gypsies worked on the production of food supply and on recycling scrap metals and materials, paving of roads, and earlier developed the tinsmith and coppersmith industries, and have contributed to build a wealth environment which benefits the current generation of this country. There are a range of ways in which local authorities can consult with Gypsies and Travellers and build successful practices that encourage their inclusion and participation.

4.1. Evidence of instances of forced evictions – the cases of Lynton Close, Dale Farm, Smithy Fen, Hemley Hill and the Turner Family

The most affected communities of Gypsies, Travellers and Roma by threats or instances of forced evictions are those living in unauthorised encampment and/or unauthorised developments. According to Government statistics, the number of unauthorised developments has gradually increased since 2005⁸⁰. These developments are a relatively recent phenomenon which have attracted media attention and increased public concerns.⁸¹ They give rise to expressions of hostility, resentment and anger from neighbouring communities, or parish and community councillors, who demand the local authorities to take enforcement action. The CRE noted that in almost every instance people's resentment was directed primarily towards Irish Travellers because they live in large groups and are said to be in constant breach of the law.⁸² Local authorities can take two legal approaches to evict Travellers and Gypsies from unauthorised encampments. If the land is owned by the local authority then it can make a claim for possession in a county court, under the Civil Procedures Rules, and ask bailiffs to carry out the eviction. Alternatively, if the encampment has been established on the highway or any other unoccupied land or occupied land without the consent of the occupier then they can issue a removal direction and if that direction is not complied with, can apply for a court order, under the CJPOA 1994, which authorised its officers to enter the land and use force to evict. The police also have powers to evict those living on unauthorised encampments under the CJPOA 1994⁸³.

a) Local authority sites

It is known that occupiers of Gypsy caravan sites run by a local authority have limited security of tenure. The less security is argued to be justified on the grounds that local authority sites need greater flexibility in order to accommodate the nomadic lifestyle of occupiers. This envisages shorter stays, and the possibility of retaining a pitch for seasonal travelling. Thus the justification for local authorities to hold discretionary powers to evict those established on local authority sites is to prevent their residence acquiring any degree of permanency⁸⁴.

⁷⁹ According to the Report of the CRE, for instance, "local councillors do not usually regard Gypsies and Irish Travellers as members of the local community, and do not reach out to them as they do to their other constituents; this further reduces opportunities for civic participation". Report of the CRE "Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers" (2004), p. 225.

⁸⁰ ODPM refurbishment Grant. Count of Gypsy Caravans on 10 July 2005.

⁸¹ Report of the CRE "Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers" (2004), p. 142.

⁸² Ibid, p. 144.

⁸³ Ibid. p. 157.

⁸⁴ Report on Local Authority Gypsy/Traveller Sites in England, Office of the Deputy Prime Minister, July 2003, p. 118-123.

AGFE found evidence that most residential sites are now stable and provide long-term accommodation for Gypsies and Travellers and that licensee status makes Gypsies and Travellers into second class citizens. This is the case of **Lynton Close**, a site managed by Brent District Council, London, where there are currently eviction proceedings against five families living in four pitches on the site. In 2008 Brent Council attempted to forcibly evict two families from the site without obtaining proper legal authorisation. The site is an example of unsatisfactory council management as its lack of essential facilities and services (such as vermin control, road and sewage maintenance) is overcrowded and the residents have been subject to disproportionate rent fees: they pay £210 pounds as the basic rent per week for the usage of the pitch plus bills and council taxes, if they don't own their own unit (or mobile home) then a further rent will be payable on top of the basic rent.

b) Unauthorised encampments and unauthorised developments on private owned/rented sites

Unauthorised encampments are set up on industrial states, or land waiting for development, farmland, highway land and lay-bys⁸⁵. AGFE found no evidence in the districts visited by the mission of any encouragement for Gypsies to purchase and occupy private sites. On the contrary, there were many examples of enforcement action being taken against Gypsies and Travellers' occupation of their own land, including those in the cases of Dale Farm, Hemley Hill, and Smithy Fen. All of them are a result of enforcement of planning policies to tackle unauthorised encampments and/or developments. A Gypsy or Traveller who goes to a local planning department is unlikely to receive advice as to where s/he might find suitable land. This results in a common situation whereby Gypsies and Travellers buy any land that they can find, such as land located in green belts and nearby to highways, or sites of some discontinued use; and the local planning authority would then refuse planning permission and take enforcement action. This has led to numerous planning appeals, to extensive litigation and to forced evictions. Travellers who are on land without the consent of the owner and without ever having had permission to be there are in the weakest position and subject to be evicted.

Since April 2001, 50.8% of the 236 local authorities that participated in the survey conducted by the Government responded they had forcibly evicted Gypsies and Travellers from land that they did not own.⁸⁶ More than 25% of local authorities contracted external agencies (private bailiffs) to carry out evictions and most of them had not built race equality considerations into the contracts with such agencies.⁸⁷ Although local authorities have a legal duty to assess occupant's education and health needs before deciding to carry out an eviction, few of them take up this responsibility seriously and some see the process of assessing needs as a barrier to enforcement action, rather than a way to safeguard human rights⁸⁸.

In the case of **Dale Farm**, in the district of Basildon, the Court of Appeal decided to uphold the decision of the local authority to take direct action to evict 50 families, approximately 300 people from unauthorised developments although no lawful alternative sites were made available in the Basildon District to which the residents could lawfully decamp. The Court concluded that the unauthorised development in the green belt caused harm to its openness and purposes and to highway safety. When balancing these harms against the need for additional Gypsy sites in the

⁸⁵ Report of the CRE "Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers" (2004), p. 159.

⁸⁶ Ibid, p. 173.

⁸⁷ Ibid. p. 174.

⁸⁸ Ibid. p. 178-9.

area, the lack of alternative accommodation options and the resident's health needs, the Court decided to uphold the Secretary of State's view that these elements did not outweigh the harm caused to the environment⁸⁹. It was found that "for the court to do otherwise would be to encourage illegal action [the establishment of a home on an environmentally protected site] to the detriment of the environment"⁹⁰.

Whilst the Courts seem to recognise that there are delays in the implementation the new planning policy approach to address Gypsy's and Traveller's accommodation needs, they are still prepared to sanction evictions from unauthorised encampments in circumstances where no alternative site provision is made for those evicted. As allocation of sites is made by way of Development Plan Documents, it "is bound to be slow in coming into effect and cannot provide a swift response to the need which exists as a result of the overall inadequacy of the number of lawful sites..."⁹¹. Such decisions do not call for site delivery plans to be brought forward and ends up forcing the families to accept bricks and mortar accommodation, which is culturally unsuitable, or renders them homeless.

In the case of **Smithy Fen**, in the District of Cambridgeshire, in May 2009 the Planning Committee decided to proceed with 'direct action' against seven Irish Traveller families living at Victoria View in order to remedy a breach of planning control⁹². After dismissing the planning application submitted by the families in 2004 and confirmed that they still remained in the site, the council sought compliance with an enforcement notice issued in 1999 which required the removal of the caravans from the site.

In order to achieve such objective, in August 2007 the Council applied for an injunction which was later turned into orders of imprisonment against the residents as a result of committal proceedings pursued against those in contempt. The injunction was granted with a deadline of March 2008 against 28 residents, who were required to: remove the hard surfacing from the area; cease the use of the land or any part of it for the stationing of residential mobile homes and/or caravans; remove residential mobile homes, vehicles, sheds, ancillary structures and other materials place and/or stored on the land; cease the use of the land for the stationing of caravans; rip and break up the ground of the site; and cease to use the access road for the purposes of accessing the land for residential use and associated development. This decision was appealed with that appeal being dismissed on October 2008. In accordance with the Order, the deadline for compliance was stayed until March 2009.

Faced with the Order of Imprisonment issued on 27 March 2009, everyone left the site (some went to Dale Farm), and the only one left is Mr. David Sheridan, an elder and very ill man. He has been off site for nearly 3 months but in the end had no where to go so risked prison to come back on. He has never had any legal representative and was in hospital when the council found

⁸⁹ Basildon District Council v McCarthy & Ors. [2009] EWCA Civ 13, para. 60.

⁹⁰ Ibid, para. 68.

⁹¹ Ibid, para. 85.

⁹² This information is contested by South Cambridgeshire District Council (SCDC): "This is incorrect, the direct action authorised is in respect of the residual breaches remaining evident following previous vacation of the plots concerned; no residents were still present at the time the report was prepared and, as Planning committee was advised, one resident had returned to part of the site in the meantime and in the face of the Committal Order already imposing a term of imprisonment suspended only on terms that he vacate forthwith. The court was aware of that resident's personal health situation" (letter of 12 June from Steve Hampson, Executive Director)

him in contempt of court⁹³. Now the Council has two options, either to demand the court to arrest him or move him to a licensed and secure plot in the site⁹⁴.

During the meeting between AGFE and the local authority, Councillors admitted they are used to resort to ‘criminalisation actions’ as a means to evict Gypsies and Travellers without having to undertake evictions by the use of direct action, as “they have the same practical effect”⁹⁵. It is worth noting that on Smithy Fen, some of the pitches have been cleared, some have been granted planning permission. The checkerboard effect that has been achieved by granting planning for some pitches and evicting from others, on first inspection does not appear logical; the pitches that have already been granted permission make the denial of permission to the others non-sensical.

The eviction case of **Hemley Hill**, in the District of Wycombe, also relates to a breach of planning permission. The site was setup in April 2009 following the purchase of a field in the green belt area by members of the Irish Traveller community and a rough road way was laid before the District Council imposed a temporary stop notice on the site to prohibit any further work from being done and the bringing on caravans or other structures. Local residents and Council officers organised a public meeting on 23 April 2009 to discuss the unauthorised site, which was attended by more than 200 people. After the meeting, the council decided to take enforcement action to empty the unauthorised site at Hemley Hill rather than attempt to engage in any negotiated solution, for instance by inviting retrospective planning application. On 30 April 2009, an injunction order and a penal notice were issued by the High Court of Justice against the residents. The order prohibits the Irish Traveller families from using the land for the sitting of residential mobile homes or caravans and for residential development, and requires them to vacate the land. In further communication, the Council clarified that the order obtained is a status quo injunction, which prohibits any further development on the site from the date of the service of the order. As such, it would not affect the development that was carried out on the site prior to the date of service and is not an eviction order. The Travellers have submitted retrospective application for planning permission, but advice given by the council seems poor.

The unmet need in the Wycombe district has been set at 16 pitches by the South East England Regional Assembly, and the local authority is required to identify locations for those pitches in its development plans (or allow planning permission) by 2016. There is no evidence that they will be able to achieve this goal. The Wycombe Development Framework document published in 2007 does not appear to mention any site provision for Gypsies or Travellers⁹⁶.

⁹³ This information is contested by South Cambridgeshire District Council (SCDC): “the Council did not do this, the court found the contempt proved and the committal judgment makes it clear the court was fully aware of Mr Sheridan's circumstances (letter of 12 June from Steve Hampson, Executive Director).

⁹⁴ In a letter sent by SCDC on 12 June (from Steve Hampson, Executive Director), they inform that the Council can offer him accommodation (however, it has not been made clear what kind of accommodation and in which location) and has confirmed that they would accept him moving to an authorised site even if it is in breach of the relevant consent and so long as it meets safety regulations. Mrs Candy Sheridan, member of AGFE Pool of Experts, offered her thanks to the Officers and the planning sub-committee for the opportunity to attend a pre-meeting briefing and for allowing her to speak at the sub-Committee meeting itself, concessions she appreciated.

⁹⁵ Interview with Jeff King, Health and Environment Officer and Steve Hampson, Executive Director of Cambridgeshire District Council on 24 April 2009.

⁹⁶ The document *The Wycombe Development Framework Goes Site Specific: preferred option for site allocations*, Development Plan Document, February 2007, which contains district-wide policies that should apply to the main site allocations (where land will accommodate future development) and designations (areas where we are safeguarding the existing use or promoting enhancement of that use) does not include any indication of what is intended for Gypsy and Traveller sites. Document available at

c) Road side Travellers

Forced evictions of road side Gypsies and Travellers have been even more violent, as the families are subjected to repeated instances of displacement within short periods of time, which has both a very traumatic effects upon an already vulnerable population and a very high financial cost to the tax payers.

The Turner Family, an English Romani Gypsy Family, has been trying to find an authorised site where they could live for at least 12 years without success. The family has repeatedly been moved on by the police over 50 times in a year and court orders authorising their evictions on these occasions were never shown (anyway the family wouldn't be able to read a court order due to problems with literacy). Currently they have parked their caravans by the side of a council road in an unused cul-de-sac that was formerly part of an industrial estate, in Sittingbourne. The family have been living in this road for 6 months – the longest time in the same place in the last 12 years – without running water, electricity or sanitation. They are served by two chemical toilets at a cost of £25 per week. The encampment consists of approximately ten caravans, milk churns (for water), foldable chairs, a portaloo and assorted vehicles for towing the caravans. None of the 12 children of the families go to school, and many of the adults have been unable to learn to read in past years, because of failings in the educational system which did not provide tuition. The family are often in poor physical and mental health due to their insecurity and their constant fear of being evicted once more.

4.2. Causes of instances of forced evictions or threatens of forced evictions

Evidence found by AGFE show that the main causes of instances of forced evictions or threats of forced eviction, affecting Gypsies, Travellers and Roma are the following:

a) The approaches taken by local authorities and local government policies towards unauthorised encampments/developments in practice envisage neither the legalisation of such sites nor the provision of adequate resettlement. There is a reluctance on the part of local authorities to provide suitable sites and basic services for unauthorised encampments and/or developments, as well as to approve retrospective planning applications. Rather, local authorities usually take a confrontational, hostile and intolerant approach by evicting or criminalising site occupants. Planning enforcement and control to retain public confidence in the system, is more relevant for local authorities than promoting or persevering site residents' human rights.

b) Local authorities usually resort to evictions, using private bailiff and security companies, without taking into consideration impacts on site residents or race relations. Fierce public opposition to the idea of Gypsy and Traveller sites has led to confrontational situations that have worsened local race relations. Objections to planning applications are usually based on racial prejudice and xenophobia rather than only valid, material grounds. Local residents often do not recognize the racist nature of their objections to Gypsy and Traveller sites saying that they have no objections to 'real Gypsies/Romanis' but they object to 'tinkers and layabouts'. It is often conveniently forgotten that, in the recent past, travellers (Gypsies and Irish Travellers) were encouraged to provide a source of seasonal labour for the farms.

c) Local authorities do not have a clear and enforceable legal duty to identify Gypsy/Traveller sites though Circular 1/06 requires them to do so. At present most local authority planning

policies are based on criteria and as such they do not identify locations for permanent residential sites. The criteria is often unspecific and unclear, and sometimes contradictory. Local authorities face and pose several barriers to developing location-based policies in practice.

d) There is a lack of adequate consultation, participation and involvement of Gypsies and Travellers in the design of planning policies. As a result, many local plans contain no policies for the provision of sites within a local authority administrative area. National groups that receive invitations to participate in local consultations lack resources and as such are often unable to get involved in a structured consultation process (if there were one).

e) There are difficulties in finding out where to buy suitable land for setting up Gypsy and Traveller sites, as local authorities do not provide adequate assistance with finding locations for sites or advice about making planning applications. Local authorities rarely seem to monitor planning applications for Gypsy sites in a structured way, or the rates of success of applications. Without a location based site allocation policy local authority officers cannot guarantee that a planning application will succeed in the area where the land is purchased, thus Gypsies and Travellers may spend lots of money on trying to get planning permission and end up with nothing. Frequently councillors sitting on planning committees go against the recommendations of their own planning consultants, and refuse planning for Gypsy sites when they are recommended to pass them. This is often where the whole planning system breaks down for the Gypsy, Roma and Traveller community.

f) Discriminatory legislation that facilitates the eviction of Gypsies and Travellers are still in place, such as those providing lesser tenure rights for residents of local authority sites – though it is accepted that the position will change in that regard shortly when the provisions in the Housing and Regeneration Act 2008 are brought into force.

g) Gypsies, Travellers and Roma lack capacity of organization especially because of their situation of impoverishment and lack of education. It was found that there was strong evidence of economic exclusion through various mechanisms, such as: disproportionate rent fees for pitches on local authority sites; the high costs associated with appealing against the refusal of planning permission; the increase on land prices when Gypsies and Travellers are open about their identity and plans for setting up a Gypsy site; the destruction of caravans and other personal assets during enforcement actions; high prices charged for accessing basic services.

h) The planning system does not provide for clear and specific rules to address the special housing/accommodation needs of Gypsies, Travellers and Roma. Relevant public bodies still need to eliminate unlawful discrimination in order to deal properly with planning applications (including those made retrospectively), the designation of Gypsy sites in local and regional plans, and the management/legalisation of unauthorised sites/developments. If Gypsy and Traveller planning applications are simply viewed in the same way as every other planning application, then ipso facto Gypsy Traveller applications will fail far more frequently because of the disadvantaged position that the Gypsy and Traveller community has in the UK.

4.3. Illegality of evictions

The legal responsibility to respect housing rights also requires States to refrain from carrying out, advocating or condoning the practice of forced evictions of any persons or groups from their homes/ residential accommodation. States must “respect a person’s right to build their own dwellings and organise their living environments in a manner which most effectively suits their

culture, skills, needs and wishes – unless these activities impinge upon public health or safety”.⁹⁷ The absence of the identification of suitable and viable locations for private sites and the lack of a policy for the provision of permanent residence on local authority sites is undermining the realisation of the right of Gypsy and Travellers to adequate housing/accommodation.⁹⁸

From the evidence obtained by the AGFE mission, it was possible to identify a conflict between the use of local authorities’ enforcement powers and the provisions of the Race Relations Acts, where the former is given precedence over the second and other human rights legislation. Good practice in promoting race equality is rare, with many local authorities failing to link their planning policy and practice to measures designated to meet their duties under the Race Relations Act⁹⁹. Gypsies and Travellers have an urgent need for the allocation of permanent residential sites where they can live in peace, security and dignity with their extended families; the adoption of pro-Gypsy, Travellers and Roma planning policies to guarantee that their culture and traditions are reflected in the design, management and use of the sites and pitches; and for respect for their right to security of tenure and to not be forcibly evicted from the areas they already occupy¹⁰⁰.

The fact that the minority of Romani Gypsies and Irish Travellers reside on illegal sites and in acutely inadequate housing conditions is no sufficient grounds for planning authorities to claim the reasonableness of forcibly evicting such groups as to beautify the city and the country side. “Justifying forced evictions in this manner is tantamount to making the victims scapegoats in social and legal structures which deny them the right to a decent, safe and healthy place to live, as well as a broad range of other human rights.”¹⁰¹

Many decisions to evict have been taken by local councils without considering the negative impacts on site residents or race relations; local authorities hardly ever consult with the affected population about decisions to issue enforcement notes, take direct actions or pursue an injunction or possession order. In many cases enforcement action taken has been disproportionate to the infraction and has rendered many families homeless. Although since the introduction of CJPOA 1994 it has proved impossible to challenge at Court a local authority’s decision to take eviction action against an unauthorised encampment by arguing that it had failed to provide sufficient sites, the international human rights legislation imposes major obligations on the State Party in case where a decision to evict is taken. It requires the State to take legislative and other measures to ensure the beneficiaries of such rights are protected from violations. Such measures should include genuine consultation with those affected and their advocates and representatives; the provision of adequate alternative accommodation or compensation; assessment of their health, welfare, and education needs, and access to remedial procedures. When relocation is unavoidable, the physical, environment, and socio-economic conditions of the new location should not render them worse off than before the resettlement.¹⁰² “The practice of

⁹⁷ UN Habitat. Housing Legislation. United Nations Housing Rights Programme, Report n. 1, Nairobi, 2002, p. 22.

⁹⁸ For instance, the International Covenant on Economic, Social and Cultural Rights (1966), ratified by the UK on 20/05/76; the International Convention on the Elimination of All Forms of Discrimination (1965), ratified on 7/3/69; and the Convention on the Rights of the Child (1989), ratified on 16/12/91.

⁹⁹ Report of the Commission for Racial Equality “Common Ground Equality, good race relations and sites for Gypsies and Irish Travellers” (2004), p. 121.

¹⁰⁰ In a letter sent by SCDC on 12 June (from Steve Hampson, Executive Director), he points out that race issues have been argued fully in the course of litigation such as that relating to the case of Victoria View, Smithy Fen, and for them it was clear from the resulting judgments that the approach adopted by the likes of SCDC is found not to offend equalities duties.

¹⁰¹ OHCHR, ‘Forced Evictions and Human Rights’, Fact-Sheet n. 25, Centre for Human Rights, 1996, p. 12.

¹⁰² Ibid, p. 11.

eviction without consultation or adequate alternatives and compensation is *illegal* according to international law; it is also *unjust*, with devastating consequences for those who are affected. In referencing international experience and best practice, it is fundamentally *counterproductive* to the goal of human development.¹⁰³

5. Advice to the Executive Director of UN HABITAT

5.1. Recommendations to UN HABITAT: advice to the Executive Director

- a) Conduct a more comprehensive study to assess the status of the right to housing of Romani Gypsies, Irish and Scottish Travellers and Roma communities all over the country by using a human rights-based approach to address the social and economic inequalities and deprivation they face. This approach is centrally about promoting participation of affected groups and enhancing the accountability of public service delivery. A team should be contracted to do so.
- b) Work with representatives of Romani Gypsies, Irish and Scottish Travellers and Roma communities to monitor whether progress is being made on the issues addressed in this report and whether their right to adequate housing/accommodation is being progressively realised as required by international law. As such, human rights indicators, including benchmarks for a twelve month period must be established.
- c) Invite the UN Special Rapporteur on Adequate Housing, Mrs. Raquel Rolnik, to send an urgent appeal/ letters of representation to the Government of UK asking for clarification of the issues presented in the AGFE mission report.

5.2. Advice to be delivered by UN HABITAT to the Government of the United Kingdom and to local authorities

5.2.1. On forced evictions

- a) Urge the Government to halt all pending evictions or threatened evictions until an adequate solution is achieved to meet the housing rights, including right to appropriate accommodation such as mobile-home parks, of the Gypsy and Traveller communities enshrined in the relevant international human rights instruments ratified by the State.
- b) Urge the Government to refrain from criminalising communities (via the use of injunctions on the use of land or other similar mechanisms) who are living on unauthorised sites and/or sites lacking planning permission. Imprisonment of Gypsies and Travellers for alleged offences relating to living on their own land has to be banned as a planning policy/practice, especially in a situation where the districts are failing to deliver planning permissions and to designate adequate sites.
- c) Recommend that the Government give priority to halting evictions affecting road side Travellers so as to minimise their negative impact on such vulnerable members of society.

¹⁰³ Jean du Plessis, 'Campaign on Secure Tenure Networking Event: Forced Evictions: Two years of efforts of the UN Advisory Group on Forced Evictions and its partners'. World Urban Forum, Monday 19 June 2006.

d) Urge the Government to repeal all discriminatory legislation and policies that facilitate evictions of Gypsies and Travellers, and to bring forward implementation the provisions of the Housing and Regeneration Act 2008 in order to provide Gypsies and Travellers living on local authority sites with security of tenure at the earliest opportunity.

5.2.2. On designation of sites and implementation of policies

a) Recommend that the Government legalise all de facto sites above a decency threshold by directing the granting of planning permission; thus giving stability to the occupants and promoting their social inclusion. Where sites fall below the decency threshold but could be made to reach it by reasonably practicable measures, that they are immediately brought up to a standard and rendered lawful. Where sites fall so far below the decency threshold that they cannot meet it, that such sites are marked for closure and closed as soon as alternative sites can be secured which must be, in any event, within 12 months of the provisional notice of closure.

b) Urge the Government to immediately take steps to provide all sites planned to be allocated for Romani Gypsies and Travellers by 2011, along with adequate facilities and access to infrastructure. These sites must be designed with the direct participation of Gypsies, Travellers and Roma in order to better reflect the specificities of their long standing culture (visibility from caravans, extended families, kinships, closeness between home and self employed work, cultural and social norms etc.).

c) Urge the UK Government to link their planning policy and practice to measures designated to meet their duties under the Race Relations Act, by recognising Gypsies, Travellers and Roma as ethnic minorities and, as such, subject to special and affirmative measures aimed at promoting and protecting their housing rights.

d) Recommend that the UK Government investigate whether local authorities have taken measures to identify and respond to potentially racist and xenophobic representations which have been submitted by members of the public in order to discriminate on racial grounds against Gypsies and Travellers taking part in a planning application. It is also necessary to investigate whether local authorities are being sanctioned in cases where they do not resist such pressures to discriminate.

e) Recommend that the UK Government puts in place an administrative procedure to allow Gypsies, Travellers and Roma communities to challenge a regional planning authority's decision on the designation of the number of sites/pitches when it allegedly does not correspond to the actual needs.

f) Recommend the Government to review the role and form of appointment of Gypsy and Traveller Liaison Officers (GTLO) in the planning system. The persons to perform the functions of such a position should be elected by the Gypsy and Traveller communities of the area in which they work.

5.2.3. On Governance

a) Recommend that the Government support the setting up of an observer group, at national level to: (i) monitor, record and publish quantitative national data and information of instances of forced evictions affecting Roma, Gypsies and Travellers; (ii) measure progress of site delivery by districts; (iii) monitor reported cases of racist and xenophobic offences against Gypsies and Travellers; and (iv) assess the results of the judicial decisions related to such criminal offences.

