



**Submission to Home Office Consultation on  
“Strengthening police powers to tackle  
unauthorised encampments”**

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Submission by René Cassin

Main Contact: Mia Hasenson-Gross, Director

Address: 853 Finchley Road, London, NW11 8LX

Tel: 020 3621 5464

Email: [mia.hasenson-gross@renecassin.org](mailto:mia.hasenson-gross@renecassin.org)

Web: [www.renecassin.org](http://www.renecassin.org)

## About René Cassin

René Cassin, the Jewish voice for human rights, promotes and protects the rights of all people, drawing on Jewish experience and values.

Solidarity and collaboration have been an essential and valued part of our work, including our campaigns that aim to counter the racism and discrimination faced by the UK's Gypsy, Traveller and Roma communities. Although they all have their own unique cultures and histories, Gypsies, Roma and Travellers are united by ongoing, endemic discrimination they face in the UK, today, which is often described as “the last respectable form of racism.”<sup>1</sup> It is the kind of discrimination that permeates the deepest levels of society, such that it is not even recognised for what it is.

Last year, in collaboration with The Traveller Movement, René Cassin launched the #CutItOut campaign seeking to tackle harmful rhetoric and hate speech. That same year, we saw wider support within the Jewish community for our [letter to the Home Secretary](#) expressing concern over the government's portrayal and treatment of Gypsy, Roma and Traveller communities.

With this in mind, René Cassin wishes to stress that the Home Office consultation, its proposals, and the language surrounding it, are deeply disturbing. The Government is complicit in perpetuating harmful stereotypes that jeopardise the safety and wellbeing of Gypsy, Roma and Traveller people. Whilst the Home Secretary's foreword describes the UK as “one of the most tolerant countries in the world, which has a proud tradition of promoting respect (...for one another)”, the language and ideas in the consultation itself, and those around it, damage the credibility of the Home Secretary's statement.

## Introduction

The 2019 Conservative Election Manifesto pledges, implied the existence of Roma, Gypsy and Traveller communities is not only “criminal” but threatens the safety of “our communities.” The pledge to “protect our communities” from “unauthorised traveller camps” demonizes Gypsies and Traveller people as a dangerous and criminalised other. Furthermore, we reject the consultation's suggestion that “those on the encampment are involved or are likely to be involved in anti-social behaviour.” This is a clear and alarming move to conflate and implicate entire communities in the anti-social behaviours of a few individuals. This proposal classifies Gypsies and Travellers as “anti-social” criminalised human targets. It supports and encourages government regulated ethnic profiling and collective punishment of Gypsy and Traveller people.

At a time in which marginalised and minority groups, such as the Jewish community, are facing an alarming rise in hate crime we stand against bigotry and discrimination, in all its forms.

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<sup>1</sup> Sir Trevor Phillips, (former) Chair of the Commission for Racial Equality, 2004.

This consultation, and the language around it, is regressive and reveals the extent to which prejudice has become embedded in politics. Jewish history and experience make us all too aware of how hateful language and draconian practices, endorsed by politicians and government, can contribute to endangering the lives of innocent and marginalised people. We forget the ways in which hateful and divisive rhetoric leads to discrimination, hate crime, violence, and genocide, at our peril. The Holocaust is a warning from history, and as the Jewish voice of human rights, we wish to use our voice to highlight the genuine and considerable concerns felt by Gypsy and Traveller communities regarding the government's consultation.

## **The Criminalisation of Trespass**

**We stand with representatives of the GRT community and police force in opposing the criminalisation of trespass.** We refer to the recent landmark Court of Appeal judgement, which criticised the use of injunctions that target Gypsy and Traveller encampments.<sup>2</sup> The Court of Appeal held that such borough wide injunctions “comprise a potential breach of both the European Convention on Human Rights and the Equality Act.” Local authorities have an obligation to ensure other suitable housing and transit sites are available, and the Court of Appeal stressed the need to consult and engage with Gypsies and Traveller communities to assess the impact proposed injunctions may have to their communities.

**We strongly disagree that entering land without the landowner's permission should be made a criminal offence in any circumstances.** The proposals set out in the consultation are unnecessary and a disproportionate response to unauthorised encampments, which have dramatically decreased over the last ten years (37% decrease since 2009).<sup>3</sup> Furthermore, the proposals ignore and understate the severe shortage of available transit sites across the country. There are only 374 transit pitches in the whole of England, and only 34 of the 343 local authorities in England have any transit site provision.<sup>4</sup> The lack of transit sites in England is a disservice to the Gypsies, Travellers and neighbouring residential communities, of which the issues around unauthorised encampments affect.

**We strongly disagree that occupation of land should become criminal offence at all.** The proposal to make trespass for the purpose of residing on it illegal is essentially criminalising nomadic communities including those with protected ethnic status under the Human Rights Act (1998) and the Public Sector Equality Duty under the Equality Act (2010). The criminalisation of trespass is not only unwarranted, it is also unlawful as it does not comply with equality and human rights legislation, which demands the UK to ‘facilitate the Gypsy way of life.’<sup>5</sup>

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<sup>2</sup> The London Borough of Bromley v Persons Unknown (Rev 3) [2020] EWCA Civ 12 (21 January 2020) Available at: <https://www.bailii.org/ew/cases/EWCA/Civ/2020/12.html>

<sup>3</sup> MHCLG (2019) ‘Count of Traveller Caravans January 2019 England’. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/848868/TCC\\_November19\\_Stats\\_Release.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/848868/TCC_November19_Stats_Release.pdf)

<sup>4</sup> *Ibid.*

<sup>5</sup> Capman v. The United Kingdom. European Court of Human Rights. 2001. Available at: <https://hudoc.echr.coe.int/eng?i=001-59154>

**We do not support any extension of police powers to evict Gypsies and Traveller communities from unauthorised encampments.** Police and local authorities already have significant powers to evict and deal with unauthorised encampments. Additionally, in the report from 2019 published by Friends, Families and Travellers ‘*Police oppose criminalising unauthorised encampments and call for more sites*’,<sup>6</sup> the large majority of police responses do not support the proposal to criminalise unauthorised encampments and recognise that current police powers are sufficient, stressing the lack of site provision as the underlying problem.

**The criminalisation of trespass threatens to infringe upon the fundamental human rights of Gypsies and Travellers.** The consultation’s suggestion that such criminalisation would have a positive impact on the Gypsy and Traveller population reveals the stark lack of consideration the Home Office has given to the lived experiences of people in these communities. The impact of insecure accommodation, recurring evictions and a lack of access to authorised stopping places is recognised and evidenced extensively. Studies reveal the devastation caused to Gypsy and Traveller children who live in constant fear, insecurity of eviction, and suffer long term psychological trauma as a result;<sup>7</sup> one Traveller mother speaks of “making 100 mile trips everyday just to get my kids to school and back.” Furthermore, insecure accommodation will have knock-on effects on being able to access other public services such as health and education.

## Conclusions

We wish to reiterate the statement made by *Friends Families and Travellers* in its submission, which states, “The power to seize someone’s home and their vehicle simply because they are living a nomadic life is utterly indefensible.” As the Jewish voice for human rights, René Cassin speaks from specialist experience of the devastation caused by the loss of house and home. We speak as the children and grandchildren of refugees, many of whom saw their homes and with it the lives they had built ripped from them overnight. The sense of belonging, feeling safe and secure, is intrinsically linked to house and home. Gypsy, Roma and Traveller communities, and nomadic ways of life, have long been a part of the country we call home, they belong.

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<sup>6</sup> Friends Families and Travellers, 2019. ‘*Police oppose criminalising unauthorised encampments and call for more sites*’. Available at: <https://www.gypsy-traveller.org/wp-content/uploads/2019/11/FINAL-Police-oppose-criminalising-unauthorised-encampments-and-call-for-more-sites-to-be-published-9am-13.11.19.pdf>

<sup>7</sup> Warrington, C. (2006) and Children’s Participation Project (Wessex) (2007) in Cleemput, C, P., 2007, ‘*Health impact of Gypsy Sites Policy in the UK*’, 7(1), pp. 103-117.

Warrington, C. and Peck, S. (2005) and Ormiston Children and Families Trust (2006) in Cemlyn, S. *et al.*, ‘*Inequalities experienced by Gypsy and Traveller Communities: A Review*’, Equality and Human Rights Commission, 2009. Available at:

[https://www.equalityhumanrights.com/sites/default/files/research\\_report\\_12inequalities\\_experienced\\_by\\_gypsy\\_and\\_traveller\\_communities\\_a\\_review.pdf](https://www.equalityhumanrights.com/sites/default/files/research_report_12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf)