

### Briefing: Hate Crime, discrimination and the Gypsy, Traveller and Roma communities 2016



**About TM:** The Traveller Movement (TM) was established in 1999 and is a leading national policy and voice charity, working to raise the capacity and social inclusion of the Traveller, Gypsy and Roma communities in Britain. TM act as a bridge builder bringing the communities, service providers and policy makers together, stimulating debate and promoting forward-looking strategies to promote increased race equality, civic engagement, inclusion, service provision and community cohesion. For further information about TM visit [www.travellermovement.org.uk](http://www.travellermovement.org.uk)

## Keypoints

- 82% of all hate crime in the UK in 2014/15 was race related hate crime.
- Hate speech and hate crime against Gypsies, Travellers and Roma people (GTR) in the UK and in Europe is widespread and goes unchallenged.
- TM's research revealed that only nine out of the 48 police forces in UK monitor hate crimes against GTR.
- There is serious under reporting of hate crime among GTR because of the historical lack of positive relations with the police and the police's often insensitive and dismissive attitude against GTR.
- GTR face discrimination in all areas of life in the UK and often choose to hide their ethnicity in order to avoid it.
- The Leveson Inquiry concluded that GTR are targets of press hostility and xenophobia.
- GTR are the number one targets of online hatred (Hatebase).

## Introduction

English Romany Gypsies and Irish Travellers are legally recognised as ethnic groups, protected from discrimination by the Equality Act 2010. The Human Rights Act 1998 protects Gypsy, Traveller and Roma (GTR) people from discrimination in relation to their enjoyment of their human rights.

Hostility towards (GTR) communities is long-standing and widespread, and politicians and the media throughout Europe continue to use hate speech against GTR. This has created a climate in which racist violence is thought more acceptable, escalating into violent racist attacks against these communities ([Willers, 2015](#)). The Equality and Human Right Commission's ([EHRC](#)) [2015 report](#) stated that GTR communities continue to experience bias and hostility in the UK.

Research has shown hate crimes against GTR minorities in the UK and in Europe are not challenged or acknowledged in the same way as similar acts towards other minority ethnic communities (James, 2014)<sup>1</sup>. This is especially alarming since GTR are the largest minority in Europe and subjected to disproportionately higher levels of hate crime (Chakraborti, 2015)<sup>2</sup>. [Amnesty International reported in 2014](#) a marked rise in the frequency of anti-Roma violence throughout Europe, and the shockingly inadequate response to it.

To deal with this endemic racism, the [European Commission](#) has called for more effective measures to tackle anti-GTR rhetoric and hate speech.

## Discrimination

Under the Equality Act 2010 (EA), it is unlawful to discriminate against anyone on grounds of race which includes colour and ethnic or national origin.

The EA protects Romany Gypsies, Irish Travellers and Roma from discrimination in relation to education, employment, housing, planning, the exercise of public functions, and the provision of goods, facilities and services.

---

<sup>1</sup>James, Z. (2014): Hate Crimes against Gypsies, Travellers and Roma in Europe. In Hall, N., Corb, A., Giannasi, P., Grieve, J.: The International Handbook of Hate Crime. London: Routledge.

<sup>2</sup>Chakraborti, Neil and Garland, Jon (2015): Hate Crime. Impact, causes & responses. Los Angeles: Sage.

Research has shown that prejudice against GTR exists in the criminal justice system, immigration authorities, health care provision, the labour market, housing markets, education, and planning authorities (e.g. [Anglia Ruskin University, 2014](#)).

In education, for example, the toleration of bullying in schools diminishes GTR children's chances to complete their education; in health care provision the refusal of NHS practices to register GTR as patients denies members of these communities equal access to health care ([Anglia Ruskin University, 2014](#); [Cemlyn et al., 2009](#)).

There are instances of discrimination in planning matters; for example [in 2015](#) the High Court held that Eric Pickles, then Secretary of State for Communities and Local Government was in breach of the EA and the Human Rights Act and had "discriminated unlawfully against a racial group" when he subjected planning applications from Gypsies and Travellers to special scrutiny.

Furthermore, in 2015 the [Court ruled](#) that the Wetherspoon's pub chain had breached the Equality Act 2010 when it had refused service for Travellers on racial grounds in 2011. This was considered to be direct discrimination and harassment.

The first EU-wide survey to ask ethnic minorities and immigrant groups about their experiences of discrimination and criminal victimisation in everyday life: [EU-MIDIS](#) (European Union Minorities and Discrimination Survey) revealed that Roma (including Gypsies and Travellers) reported the highest levels of being discriminated against.

## **Hate crimes and hate incidents**

The terms 'hate crime' and 'hate incident' mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.

### **Hate Incidents**

Any non-crime incident which is perceived by the victim or any other person to be motivated by hostility or prejudice against the victims race or perceived race, religion or perceived religion, sexual orientation or perceived sexual orientation, disability or perceived disability or against a person who is transgender or perceived to be transgender.

### **Hate Crime**

Any criminal offence which is perceived by the victim or any other person to be motivated by hostility or prejudice against the victims race or perceived race, religion or perceived religion, sexual orientation or perceived sexual orientation, disability or perceived disability or against a person who is transgender or perceived to be transgender.

## **Hate Crime Prosecution**

If a hate motivated crime has been charged in the aggravated form and/or when a prosecutor has assessed that there are sufficient evidence of the offender's hostility, that offence can be prosecuted as hate crime ([College of Policing, 2014](#)).

[Home Office's report](#) 'Hate crime, England and Wales' records that out of the 52,528 hate crimes committed in 2014/15 42,930 (82%) were race hate crimes. Although the 2011 Census monitoring categories included GTR, they are not included as separate ethnic categories in hate crime monitoring ([Traveller Movement, 2016](#)); it is therefore impossible to know what

proportion of this figure is hate crime against GTR communities. It is possible that the overall percentage would be even greater as underreporting among these communities is widespread ([HM Government, 2012](#)).

In 2003 [Johnny Delany](#), an Irish Traveller boy, was beaten and stomped to death by two teenagers who were heard to say that he deserved it because he was 'only a Gypsy'. This was an example of where the police reported and investigated the incident as a race hate crime, but the judge disagreed that the attack was racially motivated. Another example of unrecognised hate crime is the case of [Barry Smith](#) an English Gypsy who was beaten to death and set alight in 2011 by a woman, her husband and a friend after the woman had lost her job for verbally abusing Mr Smith at her workplace. Again, the police flagged the case as being racially motivated, but the judge ruled that the racist comments were a separate incident not related to the killing of Mr Smith.

In both these cases longer sentences were not given to the perpetrators because the crimes were not recognised as hate crimes.

### **The media and hate crime**

[The Leveson Inquiry](#) into the culture, practices and ethics of the press identified Gypsies and Travellers as targets of press hostility and/or xenophobia. Hostility towards and racial stereotyping of GTR people is widely used by the press in a way that would not be tolerated with any other minorities ([Grofts-Gibbons, 2013](#)).

Social media has enabled anti-Gypsyism and hate speech to spread more quickly and extensively, and to take on even more serious and intimidating forms. Racism in the social media is especially harmful because of its immediate results within all sectors of society. Social media can be a new and powerful forum for hate speech, and according to Hatebase, an online database that 'records' hate speech on Twitter, Gypsies and Travellers are the number one targets of online hatred ([Shubber, 2014](#)).

Deputy Chief Constable Janette McCormick, the National Police Chief Council's lead for GTR, stated in 2015 that "prejudice against Gypsies and Travellers is sadly endemic in society and is often fuelled by stereotypes in the media." ([NPCC, 2015](#)).

### **Monitoring hate crime**

All criminal justice system (CJS) agencies share the common definition of monitored hate crime and are responsible for collecting data on hate crimes and most hate incidents ([The College of Policing, 2014](#)). However, [Traveller Movement's research](#) revealed that of the 48 territorial and special police forces across the country, only 9 include a code to identify Gypsies (Roma) and Travellers.

In fact, CJS agencies are not currently mandated to include these communities in their ethnic monitoring systems, despite both these groups being classified as ethnic minorities in the Office for National Statistics's 2011 National Census.

Thames Valley Police commissioned a ground-breaking review to date of the 'Force's policies and procedures which directly impact on the GTR communities. One of its key findings is 'the need for standardizing official intelligence record keeping relating to GTR' ([Greenfields et al., 2015](#)).

If crime is not measured, it cannot become a target to be tackled. Therefore, crimes against these communities will remain the lowest of priorities.

As the police have an important role in protecting hate crime victims, communities need to have the trust and confidence that the police will act fairly and care for their needs ([The College of Policing, 2014](#)).

It is reasonable to believe that, because of negative experiences of policing, discrimination in the provision of CJS services, and distrust of the authorities, GTR communities are more reluctant to report hate crime for fear of attracting further abuse ([HM Government, 2012](#)).

## Good practice

[Community Security Trust](#) (CST) is a charitable organisation working towards the physical protection of the Jewish community in England and Wales. They promote good relations between British Jews and the wider British society in order to eliminate antisemitism. The CST's work include representing British Jews on issues of racism, antisemitism, policing and security; protecting them from the dangers of antisemitism; and helping victims of anti-Semitic hatred.

Considering the failure of the police to monitor hate crime against GTR, the under-reporting of hate crime by the GTR communities, and the widespread policy and media led hostility and discrimination against GTR, an organisation like the CST would be highly beneficial for these communities and their relationship with the wider society.

## Recommendations

- Since race hate crime amounts to 82% of all reported hate crimes nationally, it should be mandatory for all the UK CJS agencies to include the 2011 Census racial, ethnic and national group categories in their monitoring systems.
- In order to better monitor and react to discriminatory and racist commenting and statements about GTR communities, we recommend that the Independent Press Standard's Organisation (IPSO) should amend its code 12: Discrimination to include third party complaints.
- We recommend that the police and the Crown Prosecution Service review their policies and practices in relation to recording and responding to GTR complaints of race hate crimes and establish effective procedures to:
  - o Build trust and confidence among the GTR communities in the police's commitment to respond effectively to their complaints of race hate crime.
  - o Take steps to encourage and support members of the GTR communities to report race hate crimes<sup>3</sup>
  - o Record the ethnicity of complainants reporting race hate crime
  - o Set and monitor annual targets to reduce the number of race hate crimes against members of the GTR communities
- Learning from Community Security Trust's good practice, we recommend that funders and policy makers support and develop initiatives to establish and promote better relations between GTR communities and wider British society.

---

<sup>3</sup>Traveller Movement's and Gypsy, Roma, Traveller Police Association's negotiations with [True Vision](#) have been successful and they are adding a specific GTR section in their online hate crime reporting system.