



# ECHR 70

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Garden Court Chambers

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# Does the ECHR protect vulnerable minorities?

## *Gypsies, Roma, and Travellers: a case study*



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# Key concepts



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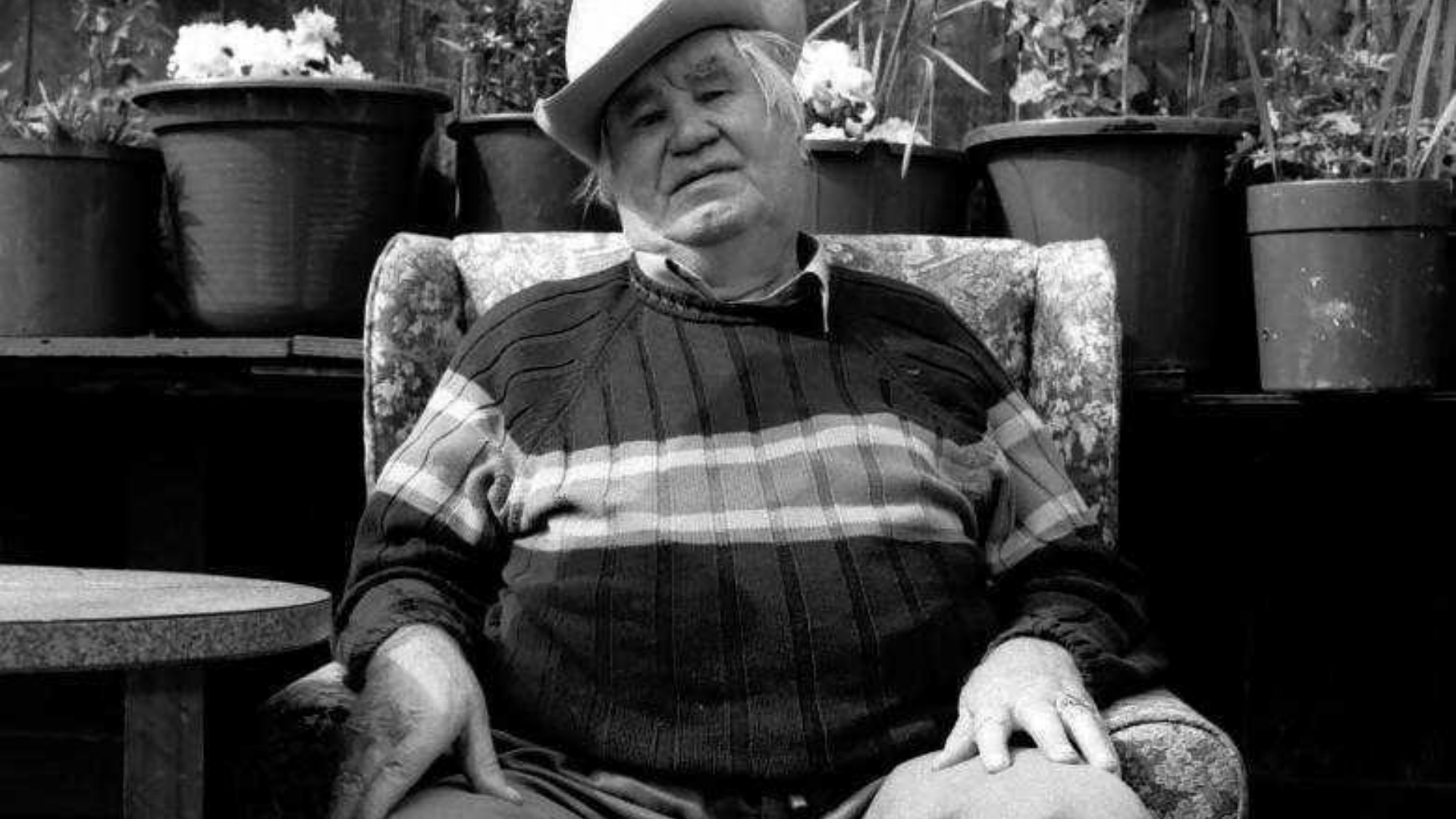
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# Who are Gypsies, Roma, and Travellers?

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- Romani Gypsies
- Irish Travellers
- Roma
- Welsh Gypsy Travellers (or Kale)
- Scottish Gypsy Travellers
- New Travellers
- Travelling Showpeople





# European Convention on Human Rights

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- Article 2 – right to life
- Article 3 – prohibition of torture
- Article 6 – right to a fair trial
- Article 8 – right to respect for private and family life
- Article 11 – freedom of assembly and association
- Article 14 – prohibition of discrimination
- Protocol 1, Article 2- right to education





## Other conventions

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- United Nations Convention on the Rights of the Child
- European Social Charter
- European Framework Convention for the Protection of National Minorities



# ECHR and site provision



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# Site provision

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- The landscape – shortage of accommodation and hostility
- Planning hurdles and site provision
- “Planning policy for traveller sites” – and the definition
- Article 8 and the best interests of children



# ECHR and accommodation



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# Accommodation

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- Articles 8 and 14 and the suitability of accommodation
- Articles 8 and 14 and housing allocations
- Article 8, possession proceedings, and evictions



# ECHR and wide injunctions



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# Wide injunctions

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- The “feeding frenzy”
- *Bromley v Persons Unknown* [2020] EWCA Civ 12
- Wide injunctions: back in the courts



# ECHR and education



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# Education

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- Right to education
- Attendance
- Exclusions



# ECHR and access to services



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# Access to services

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- Healthcare
- Everyday experiences of discrimination
- Equality Act 2010



# Looking ahead



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# Looking ahead

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## Threats...

- Criminalisation of trespass?
- Coronavirus?

## ...and opportunities

- Right to services?
- Negotiated stopping?



# Any questions?



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# GYPSY AND TRAVELLER LAW

MARC WILLERS QC  
AND CHRIS JOHNSON

THIRD EDITION

**LAG**  
the access to  
justice charity



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# Thank you

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