

Friends Families and Travellers Submission to the Convention on the Elimination of All forms of Discrimination against Women Eighth Periodic Report for the United Kingdom of Great Britain and Northern Ireland

January 28th 2019

In response to the List of Issues (LOI) presented by CEDAW in the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, para 21 *'Disadvantaged groups of women'* the Government stated that no permanent Gypsy and Traveller sites have been funded under the Shared Ownership and Affordable Homes Programme since its inception in 2016 para 148. The response also failed to provide information requested by CEDAW on the human rights issues faced by Gypsy and Traveller women.

This submission provides evidence on the lack of will among local authorities to provide adequate Gypsy and Travellers sites and the devastating impact on Gypsy and Traveller women in terms of health, education and employment. Overall, the submission calls for stronger national leadership from the Government to hold local authorities to account for their failures to provide Gypsy and Traveller sites. Regardless of the UK 'decentralisation' politics, the Government are ultimately responsible for the welfare of all of its citizens and must be held accountable.

Background

In 1986, the UK Government ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). By ratifying the treaty, the UK government committed to taking steps to end discrimination against women in all forms. On the 3rd August 2018, as part of the Eighth Periodic Report for the United Kingdom of Great Britain and Northern Ireland, the Committee on the Elimination of Discrimination Against Women raised a series of issues and questions to the UK Government. In the list of issues, the Committee on the Elimination of Discrimination Against Women raised the following questions relating to Gypsy and Traveller women:

"Please provide updated information on the human rights situation of older women, including widows, migrant women, "black, Asian and minority ethnic" women, Traveller women and women with disabilities, in respect to education, employment and access to health services, as well as to their protection from sexual violence and abuse. Please provide information on the extent to which the expanded Shared Ownership and Affordable Homes Programme 2016–2021 has benefited Gypsy and Traveller women and girls." (CEDAW, 2018: page 6, Issue 21)

The UK Government's response to this issue is set out in paragraph 148 of their replies:

"In England, the expanded Shared Ownership and Affordable Homes programme has not funded any Traveller sites since it was introduced in 2016. Registered Providers are still able to access grant funding towards new Traveller sites through the programme, however no bids for this have been submitted." (UK Government response, 2018)

Provision of Gypsy and Traveller sites in England

Site shortage

The national shortage of Gypsy and Traveller sites in the UK has not been adequately addressed through policy, indeed, the Equality and Human Rights Commission (EHRC) described housing policy toward Gypsies and Travellers in the UK as ‘hostile’ (EHRC, 2018a). Since 2010 there has been only a 2% increase in socially rented pitches up until 2017 (DCLG, 2010; DCLG, 2017). This is an insufficient number to address even natural growth through household formation, let alone the historic lack of pitches for Gypsy and Traveller families. Although there has been an increase in private pitch provision between 2010 and 2017, there is still a chronic shortage of pitches to meet Gypsy and Traveller families' needs. Between January 2017 and January 2019, we supported over 600 Gypsies and Travellers who have no place to stop their caravans. The most recent Traveller Caravan Count revealed that almost 3000 Gypsy and Traveller families live on unauthorised land, largely because they have no place to stop (MHCLG, 2018).

The lack of will to identify land Gypsies and Travellers can live on

Under the Department for Communities and Local Government's (DCLG) Planning Policy for Traveller Sites (PPTS), local authorities in England are required to identify a supply of specific deliverable sites¹ sufficient to provide 5 years' worth of land for Gypsy and Traveller pitches against their locally set targets. However, research conducted in 2016 showed that only 10 out of 66 local authorities in the South East and only 15 out of 70 in the East and West Midlands were complying with their statutory duty (Friends, Families and Travellers; NFGLG, 2016). Furthermore, many Gypsy and Traveller families cannot buy land or gain planning permission for private sites. The EHRC stated in their ‘Pressing for progress: women's rights and gender equality’ report that planning objections from local councillors and residents were the most common barrier to adequate site provision (EHRC, 2018b).

The lack of will to build pitches

This lack of will to build pitches is also evidenced in the negligible take up of government grants for building sites under the Shared Ownership and Affordable Homes Programme 2016–2021 as discovered in the state party report for the CEDAW. This lack of will to build Gypsy and Traveller pitches unfairly discriminates against Gypsy and Traveller women who wish to retain their cultural way of life as they are left with no place to stop. This impact of this, in particular for women, is evidenced in the second section of the submission.

The planning definition of ‘Gypsies and Travellers’

In 2016, the government revised the definition of ‘Gypsies and Travellers’ for planning purposes. The revised PPTS definition of 2016 has meant that not all Gypsies and Travellers are assessed as requiring a pitch, meaning that not all Gypsies and Travellers who need a place to live in their caravan are being captured and provided for in Local Plans. The Department for Communities and Local Government recognised in its consultation on these changes that they would particularly affect

‘women who have ceased to travel in order to care for dependents’, yet made no steps to mitigate against this. For these women, it is sometimes necessary to cease travelling in order to ensure appropriate health care, education etc. This new definition is particularly discriminatory towards those with caring duties who often tend to be women, excluding them from applying for Gypsy or Traveller status under planning law.

Eviction powers to deal with unauthorised encampments

There are around seventeen different powers named in the 2015 ‘Dealing with illegal and unauthorised encampments’ report by DCLG which enable local authorities and police forces to quickly move Gypsies and Travellers on from private or public land (DCLG, 2015). One of those tools which is increasingly being used by local authorities is the use of injunction orders obtained in the high court to prohibit named persons and ‘persons unknown’ from stopping on specified sections of land in the respective local authority¹. These wide injunctions disproportionately affect Gypsies and Travellers who have no authorised place to stop. In the context of the nationwide failure to identify enough land and build enough sites to meet the needs of the Gypsy and Traveller population it is both inhumane and short-sighted that the response from local authorities is to criminalise those Gypsies and Travellers without a place to stop.

Impact of insecure accommodation on Gypsy and Traveller women

The negative effects of accommodation insecurity on families are long-term, compounding and detrimental to health, education and employment. The EHRC asserted in their Pressing for Progress report 2018 that “the lack of residential and transit accommodation across Great Britain routinely affects Gypsy and Traveller women’s right to an adequate standard of living” (EHRC, 2018). Improved life expectancy of Gypsy and Traveller women is fundamentally linked with site provision and access to health care (Cemlyn et al., 2010).

Access to healthcare

Gypsy and Traveller communities face some of the most severe health inequalities amongst the UK population, even when compared with other socially deprived or excluded groups, and with other ethnic minorities (Parry et al, 2007). Researchers have found that Gypsies and Travellers are estimated to live between 10 and 25 years shorter than the general population (EHRC, 2009; Baker, 2005). Before life expectancy is taken into account, Gypsies and Travellers experience six less Quality Adjusted Life Years than average, that is six less years spent in good health compared with the general population (Parry et al., 2007).

Without exception, researchers on the health of Gypsy and Traveller communities highlight the damaging effects living on unauthorised sites and the associated repeated evictions have on women. Women living on unauthorised sites often miss health appointments due to evictions, struggle to maintain continuity of care and are often refused registration at GP practices. Whilst NHS guidance says that patients do not need an address to register, in practice this is often not the case. In 2016,

¹ The lawful basis on which these injunctions have been sought is being challenged by Garden Court Chambers, instructed by London Gypsy Travellers for Bromley to be heard on the 19th of February 2019.

the British Red Cross carried out research which found that 60% of 25 GP practices their mystery shoppers visited refused to register members of Gypsy, and Traveller communities who had no fixed address (British Red Cross, 2016). This issue disproportionately impacts nomadic Gypsies and Travellers and those without a place to stop at all and is especially problematic for women who need antenatal and postnatal care.

When women are registered at GP practices, this is often as a 'temporary patient', for a short period of time. Temporary patients or patients with no fixed address are often not invited in for cervical smears or breast screenings, putting Gypsy and Traveller women at a higher risk of discovering cancer at a late stage when treatment is less effective. Women from Gypsy and Traveller communities are more likely to experience a miscarriage, more likely to experience a still birth and more likely to lose their children (Parry et al, 2004). The 'Mothers Voices' report published in 2018 by Maternity Action featured the stories of women we have worked with from Gypsy and Traveller communities who were not offered the support they were needed when pregnant or during birth. We have worked with women who have been evicted from land whilst pregnant, with women whose midwives refused to visit them on a Traveller site, with women who felt like their midwives did not listen to them and women who were experiencing perinatal mental health issues but felt unable to say anything because they were afraid their children would be taken away by social services (Psarros, 2018).

Conditions on sites and their impact on the health of Gypsy and Traveller women

Whilst access to healthcare has a huge impact on the health of Gypsy and Traveller women, so too does the living conditions on many Gypsy and Traveller sites, particularly unauthorised sites. In violation of Article 11 of the International Covenant on Economic, Social and Cultural Rights, many women on unauthorised Gypsy and Traveller sites have no access to basic water and sanitation. The UK government position on water accepts that "the right to water entitles everyone to sufficient, affordable, safe water for drinking, cooking and personal hygiene", says that, "water has to be accessible to everyone without discrimination" and that, "states should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right" (Foreign & Commonwealth Office, 2012). However, the government has turned a blind eye to the lack of access to water and sanitation amongst around 3,000 Gypsy and Traveller families living on unauthorised sites.

It is not only women who live on unauthorised sites who live in conditions which can be detrimental to their health. Gypsy and Traveller women who live on public or private authorised sites often experience high levels of air pollution and other adverse living conditions. An Inclusion Health Evidence Pack produced by the Government in 2010 presented findings that 26% of Gypsy and Traveller sites are near to motorways or major roads, 12% of sites are next to rubbish tips, 8% next to industrial or commercial activity and 3% are next to sewage works (Social Exclusion Task Force, 2010). Publically owned, authorised sites have been found to have poor quality water access, often located close to sewers or contaminated land and chronically decayed sewage and water fittings (Cemlyn et al., 2009). This limited access to fresh water can result in a number of health problems such as skin disease, gastro-enteritis, hepatitis and other infections (WHO, 2018). However, since the

NHS do not disaggregate their data for Gypsy and Traveller patients there is no comprehensive picture of these specific health issues for women.

Education and employment

The constant cycle of being moved on, criminalised, cut off from services and fresh water severely limits the potential of those families wishing to secure education for their children and work for themselves, exacerbating existing inequalities. Data gathered by the Department for Education finds that:

- Only 40% of Gypsies and Irish Travellers over the age of 16 hold any qualifications, compared to 78% of people in England and Wales as a whole (ONS 2011).
- Only 33% of Irish Traveller and 27% of Gypsy or Roma pupils met the expected standard for reading aged 6-7 compared with the combined national average of pupils at 76% (Race Disparity Audit, 2018a).
- Only 4.7% of Gypsy or Roma pupils and 9.3 % of Irish Traveller pupils achieved English and Maths GCSE at C grade or above compared with the combined national average of 42.6%. (Race Disparity Audit, 2018b).
- Pupils from the Irish Traveller, Gypsy and Roma ethnic groups have the highest rates of both temporary ('fixed period') and permanent exclusions (Race Disparity Audit, 2018c).

Overall, the data shows a shocking disparity between Gypsy and Traveller children's educational outcomes compared with the combined national average. Whilst these figures cannot be explained by the impact of insecure accommodation alone, this undoubtedly is a major influence. It is clear that the educational inequalities faced by young Gypsies and Travellers will severely limit their future economic activity, and in turn puts these them at high risk of poverty/extreme poverty (Joseph Rowntree Foundation, 2018). Indeed, the 2010 Census revealed that Gypsies or Travellers are the ethnic groups with the lowest proportion of respondents of any ethnic group who were economically active at 47% compared with roughly 63% for White British and 70% for Indian, for example (ONS, 2011).

International Treaties

The following international treaties ratified by the United Kingdom all recognised the dire situation for Gypsies and Travellers in terms of education, health and employment in England in their last monitoring cycles.

- The European Commission against Racism and Intolerance (ECRI)
- Committee on the Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Committee on Economic, Social and Cultural Rights (CESC)
- Advisory Committee on the Framework Convention for the Protection of National Minorities (FCPNM)

These international human rights treaties all make specific recommendations regarding site provision calling on the UK Government to ensure that local authorities provide adequate sites for Gypsies and Travellers in England.

Summary

The effects of unstable accommodation on Gypsy and Traveller women have a serious and detrimental impact on their health, education and employment. Currently the UK Government is failing in its duty to keep local authorities accountable to their duty to both identify land for Gypsy and Traveller sites and to meet the need for affordable, socially rented pitches. The evidence from the Shared Ownership and Affordable Homes Programme shows us that this approach fundamentally does not work as there is a widespread lack of political will at the local level to build Gypsy and Traveller sites. The Government needs to take responsibility and take assertive action to ensure that local authorities provide adequate Gypsy and Traveller sites to address this national crisis which has resulted in some of the most stark and persistent racial inequality found in the UK today.

Recommendations

- The Ministry of Housing, Communities and Local Government must adopt a definition of a Traveller in planning terms that incorporates all Gypsies and Travellers who need a pitch to live on
- The Ministry of Housing, Communities and Local Government must re-introduce targets, and a statutory duty to meet the assessed accommodation need of Gypsies and Travellers, as formerly existed under the Caravans Sites Act
- The Ministry of Housing, Communities and Local Government must ring-fence Gypsy and Traveller pitch funding for local authorities to produce socially-rented pitches.
- The Ministry of Housing, Communities and Local Government must begin to accurately record and monitor figures on actual net increase of Gypsy and Traveller pitches.
- NHS England, Health and Social Care in Northern Ireland, NHS Wales and NHS National Services Scotland must clarify GP duties of care with reference to registering Gypsy, Roma and Traveller patients, especially those with no fixed abode or no identification.

About us

Friends, Families and Travellers is a leading national charity that works on behalf of all Gypsies, Roma and Travellers regardless of ethnicity, culture or background.

fft@gypsy-traveller.org | www.gypsy-traveller.org | Twitter: @GypsyTravellers | Facebook: @FriendsFamiliesandTravellers | +44 (0) 1273 234 777

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