

## **Friends, Families and Travellers and the Traveller Movement Joint Submission to the Committee on the Rights of the Child: 88<sup>th</sup> session, Pre-Sessional Working Group (08 Feb 2021 - 12 Feb 2021) United Kingdom**

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### **Introduction**

The following joint submission highlights issues for Gypsy, Roma and Traveller children living in the UK with respect to education, health, criminal justice and homelessness. The submission outlines evidence of potential breaches of the Convention on the Rights of the Child and key questions for the UK Government.

### **Inequalities in access to and outcomes of healthcare services for Gypsy, Roma and Traveller children**

The Committee's concluding observations of the 2016 UK review expressed particular concern at "*the inequality in access to health services and health outcomes, negatively affecting Roma, Gypsy and Traveller children*". It was recommended that the government develop comprehensive and multisectoral strategies on child health, with a particular emphasis on eliminating inequalities.

The government has demonstrated commitment towards this goal, for instance with the introduction of the Health and Wellbeing Starting Well Fund 2020-21, which aims to improve health outcomes for children from preconception to two and a half years old in BAME groups<sup>1</sup>, and with the NHS Long Term Plan commitment that by 2024, 75% of women from BAME communities will receive continuity of care from their midwife throughout pregnancy, labour and the postnatal period.<sup>2</sup>

Despite this, a gap between policy and practice persists, and Gypsy, Roma and Traveller children continue to face significant inequalities in access to and outcomes of healthcare services. Longstanding barriers to primary healthcare, such as wrongful registration refusal for those with no fixed address or ID<sup>3</sup>, communication barriers related to low literacy and low levels of English<sup>4</sup>, and digital exclusion<sup>5</sup>, all result in significant barriers to accessing preventative and early intervention care, including immunisations and screening.<sup>6</sup> Whilst NHS guidance stipulates that primary healthcare services should be registering patients, in reality there are little or no implications where they do not which means that many Gypsy, Roma and Traveller children remain unable to access the healthcare they are legally entitled to.<sup>7</sup>

In addition, the creation of a "hostile environment" in recent years as a result of a series of immigration policies brought in by the UK government, has had a detrimental impact on access and outcomes of healthcare services for many migrant Roma children. The introduction and later retraction of data-sharing agreements between National Health Service Digital, the Department of Health and Social Care and the Home Office resulted in significant fear among migrant Roma communities around accessing healthcare services, particularly for patients from outside of the European Economic Area. A subsequent delay in

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<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/910659/starting-well-information-pack.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/910659/starting-well-information-pack.pdf)

<sup>2</sup> <https://www.longtermplan.nhs.uk/wp-content/uploads/2019/08/nhs-long-term-plan-version-1.2.pdf>

<sup>3</sup> <https://www.gypsy-traveller.org/wp-content/uploads/2019/03/No-room-at-the-inn-findings-from-mystery-shopping-GP-practices.pdf>

<sup>4</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/full-report.html>

<sup>5</sup> <https://www.gypsy-traveller.org/wp-content/uploads/2018/09/Digital-Inclusion-in-Gypsy-and-Traveller-communities-FINAL-1.pdf>

<sup>6</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/739985/M](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739985/M)

[easles\\_local\\_authority\\_case\\_study.pdf](#)

<sup>7</sup> <https://www.gypsy-traveller.org/wp-content/uploads/2019/03/No-room-at-the-inn-findings-from-mystery-shopping-GP-practices.pdf>

accessing or lack of involvement with healthcare services among Roma communities has a significant impact on the health of Roma children, as well as women's health in the perinatal stages.<sup>8</sup>

The UK Government's failure to take steps to ensure Gypsy, Roma and Traveller children have equal access to healthcare potentially amounts to a breach of their rights under Articles 2<sup>9</sup> and 24<sup>10</sup> of the Convention on the Rights of the Child. As such, stark health inequalities persist for Gypsy, Roma and Traveller children, and Gypsy and Traveller mothers are 20 times more likely to experience miscarriage and the premature death of offspring than the general population.<sup>11</sup>

### Questions

- What steps have the Government taken to deter primary healthcare services from wrongfully refusing to register Gypsy, Roma and Traveller children?
- How will the Government ensure that the best interests and health of the child are considered and protected in immigration policy decision-making?

### Homelessness caused by the lack of adequate and culturally appropriate accommodation for Gypsy and Traveller children in England.

The Committee's concluding observations of the 2016 UK review recognised the lack of '*adequate and culturally sensitive accommodation for Roma, Gypsy and Traveller children*'. While there is some progress in Scotland and Wales<sup>12</sup>, the homelessness crisis for Gypsy and Traveller families and children in England remains an issue that Westminster have failed to address, indicating a possible breach of Article 27<sup>11</sup> and 2<sup>12</sup> of the Convention on the Rights of the Child.

There are approximately 3000 Gypsy and Traveller families in England without a permitted place to stop<sup>13</sup>, which defines them as statutorily homeless<sup>14</sup>. Families and children living in caravans without a permitted place to stop face constant evictions and live without the very basic of amenities such as water and sanitation<sup>15</sup>.

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<sup>8</sup> <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-uk-2018-eprint.pdf>

<sup>9</sup> **Article 2** - "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."

<sup>10</sup> **Article 24** - "States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services." [This includes access to pre-natal and post-natal health care for mothers]<sup>11</sup>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2652907/><sup>12</sup> Housing policy is devolved among UK countries.

<sup>11</sup> Article 27, 1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. 3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

<sup>12</sup> Article 2, 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

<sup>13</sup> [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>14</sup> Section 175 of the Housing Act 1996. A person is homeless if her/his accommodation 'consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it'.

<sup>15</sup> <https://www.equalityhumanrights.com/sites/default/files/pressing-for-progress-womens-rights-and-gender-equality-in-2018-pdf.pdf>

This situation must be considered in the light of the chronic national shortage of Gypsy and Traveller sites in the England<sup>1617</sup>, which persists despite the existence of a national policy for site provision<sup>18</sup>. The combination of a lack of will from local authorities to accommodate Gypsy and Traveller communities and the lack of enforcement from central Government on site provision policies means Gypsy and Traveller children are being failed by the Government's planning policies<sup>192021</sup>.

Additionally, Gypsy and Traveller children face the threat being posed by the Government which is currently considering criminalising Gypsy and Traveller camps in England and Wales<sup>22</sup>. This would prohibit Gypsies and Travellers from pursuing the right to a nomadic way of life, criminalising the communities for living a life which is integral to Gypsy and Traveller culture, heritage and ethnic identity. Not only are the Government's policies to address homelessness failing Gypsy and Traveller communities, the Home Office are actively attempting to penalise and criminalise families.

### Questions

- What steps have the Government taken to ensure that local authorities comply with planning policies to identify sufficient land to accommodate Gypsy and Traveller children?
- What steps have the Government taken to ensure the best interest of the child are protected in the Home Office proposals to criminalise trespass or increase enforcement against families living on encampments?

### Inequalities facing Gypsy, Roma and Traveller young people in the youth justice estate

The Committee's concluding observations of the 2016 UK review noted its concerns about the increased use of restraint in Young Offender Institutions (YOI) and the lack of disaggregated data regarding its use. Further, the committee requested the state party abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children. It also called to ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort; and to systematically collect and publish disaggregated data on the use of restraint in custodial settings.

Gypsy, Roma and Traveller young people experience unique challenges in the criminal justice system. There remains widespread discrimination facing young Gypsies, Roma and Travellers and widespread misconceptions regarding their lives. Travellers within the (youth) secure estate and (adult) prison system are disproportionately remanded into custody pending trial, less likely to receive bail and more likely to receive custodial sentences. Additionally, they are overrepresented in the youth justice estate, and in 2016 12% of children in Secure Training Centre's (STCs) and 7% in Young Offender Institutions (YOIs) identified as Gypsy, Roma or Traveller. Further children from Black, Asian and Minority Ethnic backgrounds constitute

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<sup>16</sup> <https://raceequalityfoundation.org.uk/wp-content/uploads/2018/02/Housing-Briefing-26.pdf>

<sup>17</sup> <https://www.gypsy-traveller.org/wp-content/uploads/2017/12/Lack-of-increase-in-affordable-pitches-report-Dec-2017-FINAL.pdf>

<sup>18</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457420/Final planning and travellers policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf)

<sup>19</sup> <https://www.gypsy-traveller.org/wp-content/uploads/2016/12/Five-Year-Supply-Research-Findings-Statement-FINAL.pdf>

<sup>20</sup> <https://www.gypsy-traveller.org/wp-content/uploads/2020/02/Research-on-the-five-year-supply-of-deliverable-Gypsy-and-Traveller-sites-in-the-South-East-of-England.pdf>

<sup>21</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2019-01-10/HL12767/>

<sup>22</sup> <https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments>

51% the youth justice estate<sup>23</sup>, indicating an overwhelming overrepresentation of minority ethnic groups in the youth estate.

In terms of health, Gypsy, Roma and Traveller children were almost twice as likely to report having unmet health needs in STCs, while almost a quarter of Gypsy, Roma or Traveller in YOIs considered themselves to be disabled. Research by the Irish Chaplaincy<sup>24</sup> first identified that a significant proportion of Gypsy, Roma and Traveller prisoners suffered mental health issues. This sadly remains true today, with a quarter of Gypsy, Roma or Traveller boys in YOIs reported having mental/emotional health issues. The higher suicide rate is 7 times higher among young Traveller men indicating particular vulnerabilities of young Travellers in prison settings.<sup>25</sup>

In both STCs and YOIs Gypsy, Roma and Traveller children were significantly more likely to report that they had either been victimised or felt unsafe whilst in custody: from both staff and other young people. Gypsy, Roma and Traveller detainees were also three and five times more likely to have their 'canteen/property' taken off them by other young people in YOI and STCs respectively.

The use of restraint and isolation is also used disproportionately in the case of Gypsy and Traveller children in custodial settings<sup>26</sup>. The data from the Children in Custody report highlighted the social isolation faced by Gypsy, Roma or Traveller children on release.

Gypsy, Traveller and Roma children find it significantly more difficult to keep in touch with family outside of the centre, with only 60% reporting that it was easy to maintain contact. This is compared to 90% of the other children. It also explains why, despite their strong familial culture, Gypsy, Traveller and Roma children were less likely to turn to family for help. This may be a consequence of finding it more difficult to maintain contact with their family. In terms of resettlement, Gypsy, Roma and Traveller respondents were less likely to know who to look to for help when opening a bank account, finding accommodation or continuing health services when released.

### Questions

- How will the UK government address the discrimination and overrepresentation of minority ethnic groups in the youth justice system?
- Will the UK government commit to abolishing the use of restraint against children in custodial settings?

### Inequalities in education for Gypsy, Roma and Traveller pupils in the UK

The Committee's concluding observations of the 2016 UK review recognised that bullying, including cyber bullying, remains a serious and widespread problem, for groups including Gypsies and Travellers and recommended the UK intensify its efforts to tackle bullying and violence in schools. It also found that substantial inequalities persist in educational attainment particularly for boys, children living in poverty, and Roma, Gypsy and Traveller children. Further it found a disproportionate number of Roma, Gypsy and Traveller children were affected by permanent or temporary school exclusions.

<sup>23</sup> [https://www.justiceinspectorates.gov.uk/hmiprisonson/wp-content/uploads/sites/4/2019/01/6.5164\\_HMI\\_Children-in-Custody-201718\\_A4\\_v10\\_web.pdf](https://www.justiceinspectorates.gov.uk/hmiprisonson/wp-content/uploads/sites/4/2019/01/6.5164_HMI_Children-in-Custody-201718_A4_v10_web.pdf)

<sup>24</sup> [https://www.drugsandalcohol.ie/15534/1/Voices\\_unheard.pdf](https://www.drugsandalcohol.ie/15534/1/Voices_unheard.pdf)

<sup>25</sup> [https://www.ucd.ie/t4cms/AITHS\\_SUMMARY.pdf](https://www.ucd.ie/t4cms/AITHS_SUMMARY.pdf)

<sup>26</sup> <https://travellermovement.org.uk/phocadownload/userupload/criminal-justice/Overlooked-and-Overrepresented-Gypsy-Traveller-and-Romachildren-in-the-youth-justice-system.pdf>

Far from getting better, things seem to have largely stayed the same in regards to exclusions, attainment and progression. Regrettably bullying of Roma, Gypsy and Traveller children remains a serious and widespread issue, resulting in many leaving school early or being excluded due to retaliation. Bullying, from peers and teachers, continues to be a significant issues which, along with a lack of curriculum representation, results in lower levels of school belonging<sup>27</sup>.

In the 2017/18 school year, the highest permanent exclusion rates were among Gypsy and Roma pupils (0.36%) and Traveller of Irish Heritage pupils (0.29%)<sup>28</sup>. Whilst the temporary exclusion rates were 17.42% for Traveller of Irish Heritage pupils and 16.52% for Gypsy and Roma pupils<sup>29</sup>. A report by the Children's Commissioner in 2012 highlighted the fact the Roma, Gypsy and Traveller children are four times more likely to be excluded from school than the whole school population<sup>30</sup>. The research also found that 100% of appeals against the exclusions were successful although the Children's Commissioner highlighted that the reasons for this are unknown. Regrettably legal aid is no longer available for children experiencing exclusions, bullying and discriminatory admissions policies, and pupils are disproportionately affected by all three.

Roma, Gypsy and Traveller children have the lowest attainment of all ethnic groups throughout their school years: at Early Years only 36% of Gypsy and Roma pupils achieved a good level of development, and 39% for Traveller of Irish Heritage pupils – the lowest for any ethnic groups<sup>31,32</sup>. At Key Stage 4 the disparity is greater; the Attainment 8 score which is the average points scored for attainment in 8 GCSEs including English and Maths, was only 18.2 points for Gypsy and Roma pupils and 21.9 for Traveller of Irish Heritage pupils compared to the average of 46.5 points<sup>33,34</sup>. However, it is worth stating here that these figures relate to the pupils who manage to successfully remain in secondary education up until the age of 16 – many do not make it this far so the true figures may be much less favourable.

Roma, Gypsy and Traveller young people are also less likely to stay in education after the age of sixteen than pupils in any other ethnic group, with just 73% of Irish Traveller pupils and 66% of Gypsy and Roma pupils staying on in 2016/17 (The latest figures made available)<sup>35</sup>. In 2014, only 3 to 4% of Gypsy, Roma and Traveller people aged 18 to 30 accessed Higher Education, compared to 43% of the same age group in the general population<sup>36</sup>. The COVID-19 pandemic has exacerbated existing inequalities as well as resulting in the emergence of new needs. For Roma, Gypsy and Traveller children the impact of missed education is likely to be severe and long reaching, especially when factoring in the higher levels of digital exclusion, higher levels of caring responsibilities and reduced education support<sup>37</sup>.

## Questions

- What steps will the UK government take to address the shocking educational inequalities, bullying and discrimination faced by Gypsy, Roma and Traveller pupils in schools?

<sup>27</sup> [https://travellermovement.org.uk/phocadownload/TTM%20Barriers%20in%20education\\_web.pdf](https://travellermovement.org.uk/phocadownload/TTM%20Barriers%20in%20education_web.pdf)

<sup>28</sup> <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest>

<sup>29</sup> <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest>

<sup>30</sup> <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2017/07/They-never-give-up-on-you-final-report.pdf>

<sup>31</sup> <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-11-to-16-key-stage-4/latest#by-ethnicity>

<sup>32</sup> <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-11-to-16-key-stage-4/latest#by-ethnicity>

<sup>33</sup> <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-11-to-16-key-stage-4/latest#by-ethnicity>

<sup>34</sup> [https://www.cfev.org/wp-content/uploads/2017/07/KINGWIDE\\_28494\\_proof3.pdf](https://www.cfev.org/wp-content/uploads/2017/07/KINGWIDE_28494_proof3.pdf)

<sup>35</sup> <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/after-education/destinations-of-school-pupils-after-key-stage-4-usually-aged-16-years/latest#by-ethnicity>

<sup>36</sup> [https://www.cfev.org/wp-content/uploads/2017/07/KINGWIDE\\_28494\\_proof3.pdf](https://www.cfev.org/wp-content/uploads/2017/07/KINGWIDE_28494_proof3.pdf)

<sup>37</sup> <https://travellermovement.org.uk/briefings?download=240:august-2020-traveller-movement-submission-to-covid-19-committee-life-beyondcovid>

- Will the UK government commit to reinstating legal aid for school exclusion, bullying and admissions policies?
- Will the UK government commit to providing ring-fenced funding to ensure catch-up following the COVID-19 pandemic?

## 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.

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**Traveller Movement** is a leading national charity committed to the fulfilment of Human Rights for ethnic minority Gypsy, Roma, and Traveller (GRT) people. The Traveller Movement's mission is to develop a platform and voice for Travellers, working in solidarity with Gypsy, Roma and Traveller (GRT) communities to achieve equality through self-determination and proactive participation in influencing and shaping policy.

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