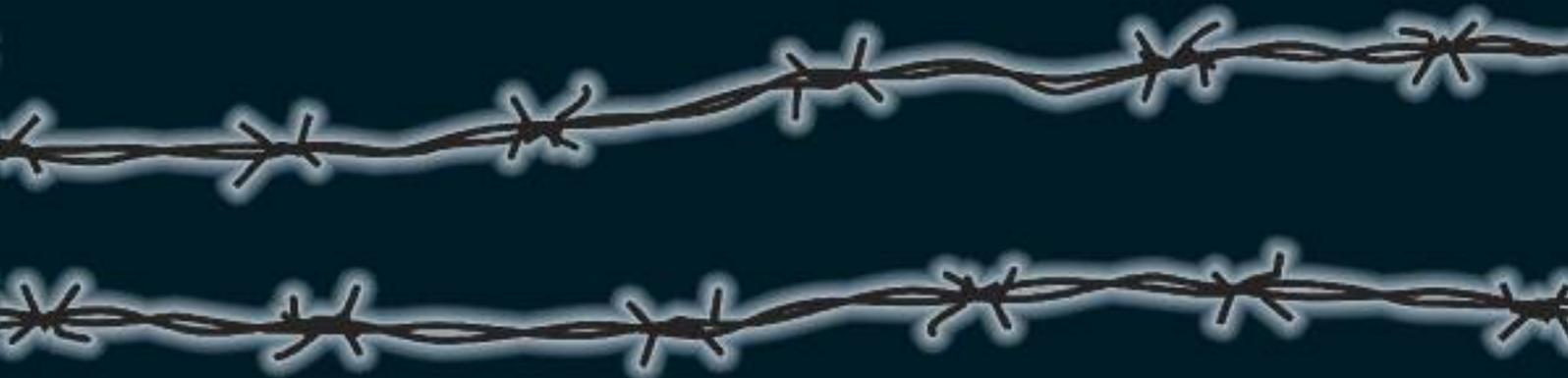


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Ethnicity Religion
Gender Race
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Irish Travellers in Prison — The Unknown Prisoners

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Introduction

The Travellers in Prison Research Project, (TPRP), an initiative of the Irish Chaplaincy in Britain, (ICB), conducted research across prisons in England and Wales during the period August 2010 to March 2011 in order to establish an accurate picture of prisoners from an Irish Traveller background. The culmination of this research, *Voices Unheard*, is the first study of Irish Travellers in prison in England and Wales.¹ It is a presentation of data regarding Irish Travellers in prison. By accurately describing the situation of Irish Travellers in prison, it is hoped that the report will prove to be a catalyst for effective monitoring of this prisoner group and consequently, the efficient deployment of available resources for Irish Travellers in prison. Effective service delivery to Irish Travellers in prison can result in a reduction in re-offending amongst this group and a corresponding reduction in the harm done to society in general.

Since 2003 HM Prison Service has been aware of the failure to adequately address the needs of Irish Travellers in prison in England and Wales.² Irish Travellers suffer unequal hardship in prison. Poor levels of literacy, mental illness, limited access to services, discrimination and prejudicial licence conditions for release disproportionately affect Traveller prisoners. Despite official recognition of these issues and the HM Inspectorate's assertion that Gypsies and Travellers make up 5 per cent of prisoners in male Category B Prisons and 7 per cent of prisoners in local female prisons, little intervention has taken place to encourage rehabilitation amongst this group.³ Without appropriate strategies for Travellers in prison, society will continue to bear the social and economic burden of warehousing an ethnic group who cannot access education courses because they cannot read; who cannot complete rehabilitation programmes because they cannot write; and who cannot file their grievances because they cannot complete forms.

Overview

The Commission for Racial Equality, (CRE), in *Race Equality in Prisons* (2003), highlighted the obstacles facing Irish Travellers in prison:

Failure area: Access to goods, facilities or services... Prisoners with low literacy skills had difficulty adapting to prison life and accessing prison services. In the case of Irish Travellers, this is compounded by prejudice and discrimination, leading to high levels of self-harm.⁴

A review of this CRE report, *Race Review 2008*, by the National Offender Management Service, (NOMS), found that serious problems remained regarding the treatment of Irish Travellers in prison:

Overall, the Review Team [conducting the inquiry] was concerned that, five years on from the CRE report, there was still a lack of recognition in the establishments visited of the issues facing White minority groups and therefore no strategy in place to tackle these. Particular concerns relating to Gypsy Traveller Roma prisoners included: difficulties accessing services, including offender behaviour programmes, as the literacy level required was too high, derogatory and racist name calling primarily by prisoners, and by some staff, in two of the prisons visited, lack of confidence in the complaints system and the lack of cultural awareness and understanding of staff.⁵

Race Review 2008 expressed a hope that improved monitoring of Irish Travellers (and Gypsies) would improve access to the services and facilities which make possible a prisoner's rehabilitation:

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1. Mac Gabhann, C., (2011), *Voices Unheard: A Study of Irish Travellers in Prison*. London: Irish Chaplaincy in Britain.
 2. Commission for Racial Equality, (2003), *Race Equality in Prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part Two*, London: Commission for Racial Equality.
 3. HM Chief Inspector of Prisons, (2011), *Report on an unannounced full follow-up inspection of HMP Wormwood Scrubs*, London: Her Majesty's Inspectorate of Prisons, p.111; and, HM Chief Inspector of Prisons, (2010), *Report on a full unannounced inspection of HMP Bronzefield*, London: Her Majesty's Inspectorate of Prisons, p.117.
 4. Commission for Racial Equality, (2003), *Race Equality in Prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part Two*, London: Commission for Racial Equality, p.83.
 5. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.59.

...the majority of establishments do not record how many Gypsy Traveller Roma prisoners they have in their population. The Review Team found no monitoring of these groups being undertaken in the establishments visited, and Gypsy Traveller Roma prisoners complained that they did not feel their needs were considered.⁶

Given the lack of ethnic monitoring of Gypsy Traveller Roma prisoners in most establishments, further work is needed to ensure equality of access to goods, facilities and services for this group. A priority area both nationally and locally is to ensure that the needs of Gypsy Traveller Roma prisoners are addressed.⁷

No official figures for the population of Irish Travellers or the combined population of Gypsies, Roma and Irish Travellers exist. This is in contrast to the 15 other ethnic categories which are closely monitored. The lack of detailed figures for Irish Travellers in prison is all the more striking in view of the high visibility of Travellers in many prisons and NOMS' expressed concern regarding Travellers in prison.

As a result, important issues affecting Irish Travellers in prison have been inadequately dealt with, to the economic and social detriment of society. Without accurate statistics regarding the prison population, relevant government bodies are ill-equipped to challenge offending behaviour, encourage rehabilitation and implement successful resettlement strategies.

The recently concluded Travellers in Prison Research Project, (TPRP), begins to address this lack of monitoring and the consequent omission of this group from prison strategies.

The Context

The life of an Irish Traveller is often short, framed by exclusion and discrimination. In Britain and Ireland, opinion polls frequently identify Travellers as the most disliked group in society.^{8,9} The negative social factors

which face Irish Travellers in everyday-life present serious challenges to prisons and prison staff in relation to the custody, rehabilitation and resettlement of Traveller prisoners.

A number of prisons and members of staff have made laudable efforts to develop effective strategies to work with Irish Travellers and deal with their distinctive needs. Indeed, TPRP identified prisons in which particularly dedicated staff in their own time and on a voluntary basis facilitate group meetings for Travellers. Unfortunately, however, many prisons have been unable or unwilling to address the particular needs of their Traveller population.

TPRP identified no overall strategy within prisons to deal with the specific custody, rehabilitation and resettlement needs of Irish Travellers. This seems to be a significant lacuna given, frequent replication of offender

background, offending patterns and stated causes of offending behaviour. It is realistic to believe that given the relatively homogenous nature of this prisoner group that a consistent national strategy could improve rehabilitation and resettlement services. The human argument for such a change is obvious.

The financial argument is no less compelling. Excluding expenditure met by other government departments such as health and education, NOMS spends between £23,040,000 and

£38,385,000 per year on Irish Travellers in prison.¹⁰ Holding in custody a prisoner group with recurring offending patterns and consequently identifiable rehabilitation interventions such as literacy training, employment skills and accommodation needs and yet not addressing these needs means that prisons continue to place an unnecessary burden on the tax payer by failing to challenge re-offending. TPRP, therefore, should serve as a catalyst for a formal re-evaluation of approaches to the rehabilitation of Travellers in prison.

TPRP, working with limited resources and limited access to prisons, managed to take a 'snapshot' of Irish Travellers in prison. The research is not a complete picture of Irish Travellers in prison in England and Wales. It is, however, a first step in establishing the size of the Irish Traveller population in prison, their profile and the main issues which affect their progress on the journey of

TPRP identified no overall strategy within prisons to deal with the specific custody, rehabilitation and resettlement needs of Irish Travellers.

6. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.59.

7. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.61.

8. For attitudes to Travellers in the UK see: MORI, (2001), *Citizenship 21: Briefing Notes on Profiles of Prejudice*, London: MORI.

9. For attitudes to Travellers in the Republic of Ireland see: Mac Gréil, M., (2010), *Emancipation of the Travelling People, A Report on the Attitudes and Prejudices of the Irish People towards the Travellers Based on a National Social Survey 2007-2008*, Maynooth: National University of Ireland.

10. Mac Gabhann, C., (2011), *Voices Unheard: A Study of Irish Travellers in Prison*. London: Irish Chaplaincy in Britain, p.7.

rehabilitation and resettlement. TPRP believes that this research and in particular the resulting recommendations (outlined below) offer prisons, prison staff and Irish Travellers in prison, an opportunity to significantly improve the rehabilitation of a group, routinely (and inaccurately) characterised as 'hard to reach.'

One prevailing insight gained by TPRP during the research, was that some prison governors and staff believed that providing different approaches to the needs of Irish Travellers in prison would be preferential treatment of this group. Prisons and prison staff need to be reminded that providing equal opportunities may mean offering the same services in a flexible manner. The status quo means that a sizeable number of Irish Travellers pass through prison with little or no engagement with prison services — a costly mistake and a missed opportunity. The basic principle regarding the provision of services should not be one size fits all but rather what approach will succeed in achieving the successful rehabilitation of prisoners for their good and the good of society.

Irish Travellers in Britain: A Recognised Ethnic Group

Irish Travellers are traditionally a nomadic people who originated in Ireland.¹¹ While the majority of Irish Travellers live in Ireland there are Irish Traveller communities in a number of other countries including the United States and Germany. The largest Irish Traveller community outside of Ireland is based in the United Kingdom. There are no accurate figures for the population of Irish Travellers in the United Kingdom. Although Irish Traveller communities, particularly in Britain, maintain strong links with Ireland, the classification 'Irish Traveller' is most accurately seen as an ethnic identifier rather than an identifier of nationality.

The basic principle regarding the provision of services should not be one size fits all but rather what approach will succeed in achieving the successful rehabilitation of prisoners for their good and the good of society.

Irish Travellers have been a part of British society for centuries.¹² Irish Travellers were, until the 1950s, an integral part of the rural economy in Britain, providing a wide range of skills and labour. Urbanisation, mass production of plastics, the mechanisation of agriculture and the bureaucratisation of society have undermined the traditional basis of the Traveller economy. Irish Travellers, as a result, have become marginalised economically and in turn, have become increasingly marginalised socially. A hostile media and definitively anti-nomadic legislation such as the Criminal Justice and Public Order Act 1994, have exacerbated the precarious condition of this group.^{13 14} Irish Travellers have not always adapted to the dynamics of contemporary life in Britain. Committed to retaining their strong family bonds and nomadic way of life, many Travellers have refused to assimilate into British society. On occasion, maintaining the Traveller way of life, has, for some Travellers, meant living apart from mainstream society. Experiences of pervasive prejudice from within mainstream society, for example, in terms of accommodation or educational opportunities, have conditioned some in this community to become less concerned with society's rules and more interested in their own survival and prosperity. TPRP found that this narrative frequently results in the imprisonment of Irish Travellers.

Irish Travellers were established as a legally recognised ethnic group in 2000.¹⁵ For the first time in March 2011, Irish Travellers (alongside 'Gypsies') were categorised as a distinct ethnic group on the national census.¹⁶ As a legally recognised minority, the Equality Act 2010 places a positive legal obligation on the National Offender Management Service, (NOMS), to see their individual needs receive due regard.¹⁷ In terms of prison

11. In contrast, it is widely believed that both English Gypsies (also known as Romanies or Romany Gypsies) and the Roma communities living across Europe originated in Northern India.

12. Power, C., (2004), *Room to Roam, England's Irish Travellers*, London: Community Fund, p.5 and Kenrick, D., and Bakewell, S., (1990), *On the Verge: The Gypsies of England*, London: Runnymede Trust, p.10.

13. '...media commonly suggest to their readers, in their representations of Travellers, that this category of people routinely display certain negative characteristics not only typical of but essential to the group: that is, they represent Travellers in a stereotypical and prejudicial fashion,' Morris, R., (2000), Gypsies, Travellers and the media: Press regulation and racism in the UK, *Communications Law*, Vol. 5, No. 6, 2000, p.213.

14. The Criminal Justice and Public Order Act 1994, withdrew the duty on local authorities to provide new Traveller sites and required Travellers to secure their own sites at a time when planning regulations had been considerably toughened.

15. O'Leary v Allied Domecq, 29/8/2000, CL 950275.

16. The 2011 Census used a combined 'Gypsy or Irish Traveller' category.

17. The Equality Act 2010.

policies, services and staff this must be done in a way which:

- ❑ Eliminates discrimination, harassment and victimisation towards Irish Travellers;
- ❑ Fosters relations between Irish Traveller prisoners, staff and other prisoners by recognising the need to tackle prejudice and promote an understanding of Irish Traveller culture; and
- ❑ Improves equality of opportunity for Irish Travellers in respect to services in prison.

In meeting these obligations the Act necessarily allows scope for treating some prisoners more favourably than others. Specific measures may therefore exist for one ethnic group to ensure that they have the same level of access and opportunity in respect to a particular service.

NOMS also has obligations under the Human Rights Act 1998.¹⁸ These are to uphold the individual rights of prisoners enumerated in the European Convention of Human Rights. Notably, these include respect for an individual's private and family life and protection from discrimination in the enjoyment of the protected rights.¹⁹

NOMS recognises its equality obligations and their legal nature in its published guidance, 'Promoting Equality in Prisons and Probation: the NOMS Single Equality Scheme 2009-2012'.²⁰ In addition to listing the specific duties contained in the Equality Act, it states:

The governing principles to be adopted in meeting the general duty include the fact that promoting race equality is obligatory, and must be central to all functions, including planning, policy making, service delivery, regulation, inspection, enforcement and employment; that public authorities must meet the duty to promote equality of opportunity in all relevant functions; and that the weight given to race equality must be proportionate to its relevance to a particular function (e.g. those that affect the public most or different groups in different ways).²¹

Despite this acknowledgment and the fact that the Glossary includes a 'Gypsy Roma Traveller' acronym, the substantive text of the document makes no reference to Irish Travellers or indeed Gypsy Roma Travellers. While race appears as a prominent issue, the focus is entirely on meeting requirements of other Black and Minority Ethnic, (BME), prisoners. As such, the specific needs of Irish Travellers, independent and different from those of the

other parts of the BME community, have remained outside the scope of official attention. This is the case, notwithstanding the fact that NOMS is under a legal obligation to ensure their equality of opportunities and treatment.

Conclusion

To have an equality policy without ethnic monitoring is like aiming for good financial management without keeping financial records... Ethnic monitoring can tell you whether you are offering equality of opportunity and treatment to all ethnic groups. It can also tell you how and why you are falling short of this ideal.²²

TPRP found that in most cases, Irish Travellers in prison in England and Wales are not routinely identified by prisons as Irish Travellers nor are they identified as constituent of the wider Irish Traveller / Gypsy ethnic category employed in the 2011 Census. The consequence of failing to effectively monitor the population of Irish Travellers in prison is that the distinctive rehabilitation and broader custody issues of this ethnic minority are left unaddressed during the sentence period. TPRP concluded that because prison monitoring processes failed to count Irish Traveller prisoners, this prisoner group was often ignored in terms of suitable service provision.

In the prisons which actively promote awareness of Traveller life and culture there was an increased willingness by Irish Travellers to identify themselves as Irish Travellers. Traveller prisoners indicated that it was only in establishments in which Travellers were treated equitably that they felt they could identify as Irish Travellers. In the prisons which promoted an awareness of Traveller culture through regular Traveller groups, Traveller Prisoner Representatives and Traveller Diversity Representatives the atmosphere between prisoners and staff was more positive than those prisons which did not include Travellers in their Race Equality Action Plan (REAP).²³

Regrettably, although NOMS have been aware of the distinctive problems evident amongst Travellers, a substantial minority in prison, no such strategy has been or is in place to identify this prisoner group. TPRP is deeply troubled that following concerns expressed in the CRE report published in 2003, regarding 'access to goods, facilities or services' for Irish Travellers and the

18. Human Rights Act 1998, s.6.

19. European Convention on Human Rights, Art.8 and Art.14.

20. NOMS, (2009), Promoting Equality in Prisons and Probation: the NOMS Single Equality Scheme 2009-2012, London: NOMS.

21. NOMS, (2009), Promoting Equality in Prisons and Probation: the NOMS Single Equality Scheme 2009-2012, London: NOMS, p.32.

22. Commission for Racial Equality, (2002), Ethnic Monitoring. A Guide For Public Authorities, London: Commission for Racial Equality, p.3.

23. Requirements for race equality action planning are outlined in *Prison Service Order, (PSO), 2800, Race Equality*.

subsequent NOMS report published in 2008, there has been a failure to effectively address the monitoring of this prisoner group.^{24 25}

*Given the lack of ethnic monitoring of Gypsy Traveller Roma prisoners in most establishments, further work is needed to ensure equality of access to goods, facilities and services for this group. A priority area both nationally and locally is to ensure that the needs of Gypsy Traveller Roma prisoners are addressed.*²⁶

Three years later, TPRP found no indication that prisons believed that the monitoring of Gypsy Traveller Roma prisoners was a priority. TPRP, to date, has found

only ad hoc attempts to effectively monitor Travellers and in turn, to address the needs of this prisoner group.

The Irish Chaplaincy in Britain, (ICB), is a leading Catholic social justice charity which works with the Irish community across Britain. It has three dedicated projects: The Older Persons Project, The Irish Council for Prisoners Overseas (ICPO) and The Travellers Project.
***Voices Unheard: A Study of Irish Travellers in Prison* is available to download from The Irish Chaplaincy in Britain's website: <http://www.irishchaplaincy.org.uk/>**

Main Findings

- ❑ Irish Travellers represent between 0.6 per cent and 1 per cent of the entire prison population.
- ❑ Irish Travellers represent between 2.5 per cent and 4 per cent of the minority ethnic population in prison.
- ❑ Irish Travellers may represent between 5 per cent and 8 per cent of the foreign national population in prison.
- ❑ 54.3 per cent of Irish Travellers in prison in England and Wales were born in Great Britain. 37.9 per cent of Irish Travellers in prison were born in the Republic of Ireland. 6.8 per cent of Irish Travellers in prison were born in Northern Ireland.
- ❑ 55.5 per cent of Irish Travellers in prison normally (i.e. prior to imprisonment) live in a house or a flat.²⁷
- ❑ 51.7 per cent of offences involving Irish Travellers were in relation to unlawfully obtaining property.^{28 29}
- ❑ 59.3 per cent of Irish Travellers were identified as requiring basic educational intervention.
- ❑ 26.1 per cent of Irish Travellers in prison were identified as having mental health problems.
- ❑ 58.9 per cent of Irish Travellers in prison have at least one child under the age of 18.
- ❑ 64.7 per cent of female Irish Travellers in prison had mental health problems.
- ❑ 46.3 per cent of all Irish Traveller prisoners are young adults (between 18 and 21 years of age).
- ❑ 51.6 per cent of Traveller Young Offender males have a child (or children).
- ❑ 58.4 per cent of offences committed by Traveller Young Offenders were offences related to unlawfully obtained property.
- ❑ 52.2 per cent of Traveller Young Offenders were identified as requiring basic educational intervention.
- ❑ There is no effective, overall strategy for monitoring Irish Travellers in prison as a separate group or as part of a broader Gypsy Traveller Roma category.
- ❑ Prisons have failed to formulate or implement measures to ensure equality of opportunity for this prisoner group despite the stated 'priority' given to addressing 'the needs of Gypsy Traveller Roma prisoners.'

24. Commission for Racial Equality, (2003), *Race Equality in Prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part Two*, London: Commission for Racial Equality, p.83.
 25. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.61.
 26. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.61.
 27. In many cases, settlement in housing is due to an inadequate supply of Traveller sites rather than preference and often results in isolation, loss of family support and psychological distress, (see: Greenfields, M., (2009), *Better Housing Briefing 10: Gypsies, Travellers and accommodation*, A Race Equality Foundation Briefing Paper, London: Race Equality Foundation, p.1&2).
 28. This figure can be compared to a corresponding figure of 30.5% for all prisoners nationwide, (see: Mac Gabhann, C., (2011), *Voices Unheard: A Study of Irish Travellers in Prison*. London: Irish Chaplaincy in Britain, p.28).
 29. The high proportion of offences involving misappropriated property is typical of a minority group who are socially and economically marginalised in society, (see: Miller, J., (2009), *21st Century Criminology, A Reference Handbook (Volume 2)*, London: SAGE Publications).

- ❑ Irish Travellers in prison are commonly subjected to racist treatment.
- ❑ Traveller sites were regularly presumed prima facie, to be unsuitable accommodation for Travellers released on licence.
- ❑ Irish Travellers were frequently denied Home Detention Curfew (HDC) based on a presumption of unsuitability as regards accommodation on a Traveller site.^{30 31}

Recommendations

- ❑ The entire prison estate should introduce an effective process for monitoring the population of Irish Travellers in prison.
- ❑ Prisons which have five or more Travellers in custody should facilitate regular meetings of this prisoner group with access to appropriate resources.
- ❑ Prisons should appoint a suitable Traveller as a Traveller Representative who should be involved in reception, induction, monitoring and delivery of services for Traveller prisoners.
- ❑ Cultural awareness, equality and diversity training for prison staff should include information on Irish Traveller culture.
- ❑ Celebrations of importance to Irish Travellers such as St Patrick's Day and Gypsy Roma Traveller Month should be recognised and used to create wider cultural awareness in prison.
- ❑ Prisons should implement and encourage education programmes which are culturally suitable for Irish Travellers such as the peer mentoring reading programme, Toe by Toe.³²
- ❑ Prisons should develop strategies for Traveller prisoners with literacy problems who wish to access rehabilitation programmes.
- ❑ Prisons should consider options for facilitating access to occupational courses such as bricklaying and painting without stringent literacy requirements.
- ❑ Prisons should permit the transfer of appropriate sums from a Traveller prisoner's canteen account to his or her PIN phone account in recognition of the more expensive phone calls to mobile phones in the UK and internationally.
- ❑ Prisons should afford all Irish Traveller prisoners the opportunity to purchase the approved international phone card.
- ❑ Prisons should permit visiting orders to be left at the prison entrance or at an appropriate designated address in the case of Traveller prisoners without an officially recognised address.
- ❑ Resettlement services in prisons should have identifiable strategies for dealing with Traveller prisoners.
- ❑ Conditions for release on licence should take account of a Traveller's right to reside on a Traveller site.

N.B. In the time elapsed between the writing of this article and its publication the code 'W3' for 'Gypsy or Irish Traveller' was for the first time included on the P-Nomis offender management system. While there is still much work to be done to meet the needs of

Travellers in prison, this is an important development. Knowing more about the size and distribution of the Gypsy and Traveller population will allow the Prison Service to work more effectively with these groups, and provide more resources to meet their particular needs.

30. Prison Service Order 6700, 5.13.3, (v), states that a substantive reason for retaining a prisoner, eligible for Home Detention Curfew, in custody is a 'lack of suitable accommodation for HDC.' However, the presumption that Traveller sites are unsuitable generally for HDC (or indeed, as regards any licence conditions) appears contrary to the findings of the European Court of Human Rights which affirmed that the UK Government has a positive obligation by virtue of Article 8 of the European Convention on Human Rights to facilitate the Traveller way of life. As 'HDC must be viewed as a normal part of [a prisoner's] progression through the sentence,' (PSO 6700), Travellers must not be excluded from HDC solely on the basis of the type of their habitation.

31. Technical objections to applications for HDC on Traveller sites, based on access to utilities on sites, are misplaced as the majority of Traveller sites have full access to utilities. Prison Service Order 6700, 5.17 states that 'The address to which the prisoner is curfewed must have an electricity supply. As long as this condition is met the address should be technically suitable for the installation of the curfew equipment.'

32. *Toe by Toe* is a peer to peer reading scheme organised in prisons in the UK by The Shannon Trust.