SUBMISSION FROM AMNESTY INTERNATIONAL

Introduction

1. Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. There are over 20,000 Amnesty members in Scotland.

2. Amnesty International welcomes the opportunity to submit evidence to the Equal Opportunities Committee’s Inquiry on Gypsy/Travellers. Our response will focus on ‘where Gypsy/Travellers live’ and is specifically related to Scottish Gypsy Travellers.

Summary of our submission

3. Scottish Gypsy Travellers have a long history of discrimination in Scotland. Amnesty believes it is vital to address the prejudice and inequalities facing the Scottish Gypsy Traveller community.

4. Amnesty published research on Scottish Gypsy Travellers earlier this year: On the Margins¹ looking at local authority service provision (with a focus on housing) and Caught in the Headlines² on media reporting of the community. Our submission is based on our findings.

5. Whilst our research has found that some positive steps are being made, and we welcome this, there is a long way to go to tackle the deep-rooted inequalities which Scottish Gypsy Travellers face every day. It is time that all local authorities learn from the good practice that is being developed, in partnership with the community to ensure Scottish Gypsy Travellers’ human rights are being met. We also want to see the Scottish Government adopt a much more prominent and public role on Scottish Gypsy Travellers, showing clear national leadership to ensure the community’s rights are being met.

Terminology

6. For our research and for the purpose of this submission, we are referring specifically to Scottish Gypsy Travellers rather than the wider Travelling communities such as Irish Travellers or Roma Gypsy. However, we accept that some responses we have received from local authorities will cover services for all

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Gypsy and Travelling communities and not just Scottish Gypsy Travellers. We also refer to ‘settled community’ to refer to the local non-Gypsy/Traveller community.

**Scottish Gypsy Traveller Population**

7. The Scottish Government’s last bi-annual count of Scottish Gypsy Travellers found that in July 2009 there were around 2,120 living on Council/Registered Social Landlord Sites (RSL), private sites and unauthorised encampments in Scotland. The Scottish Government acknowledges that is an underestimate as there are difficulties in ascertaining accurate figures. Organisations that work with Scottish Gypsy Travellers estimate that the figure is closer to 20,000 people.

8. While it might be difficult to get accurate population counts, this should not preclude local authorities and other public agencies from including Scottish Gypsy Travellers in service planning processes such as housing strategies and race equality plans. Public agencies have duties and obligations to do so under domestic laws and international treaties.

**Scottish Gypsy Travellers and Discrimination**

9. Amnesty has been campaigning on human rights issues around the world for over 50 years. We consider Scottish Gypsy Travellers as a marginalised community that continues to be discriminated against. They constitute a group that has been prevented from fully realising their human right to adequate housing, which can impact on their ability to enjoy other services and rights, thus compounding the discrimination and marginalisation they face. Article 25.1 of the Universal Declaration of Human Rights recognises the right to adequate housing as integral to the right to an adequate standard of living. Housing rights are enshrined in international treaties signed and ratified by the UK and therefore applicable in Scotland, including the International Covenant on Economic, Social and Cultural Rights (ratified in 1976).

**Local Authority Service Provision**

10. In 2009, Amnesty sent out Freedom of Information requests to all 32 Scottish local authorities asking for documentary information concerning four of the 37 recommendations made in the Equal Opportunities Committee’s 2001 report on your Inquiry into Gypsy Travellers. We asked for information on:

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4 Article 12 research (available from [http://www.article12.org/pdf/GYPSY%20TRAVELLER%20NUMBERS%20IN%20THE%20UK.pdf](http://www.article12.org/pdf/GYPSY%20TRAVELLER%20NUMBERS%20IN%20THE%20UK.pdf)) notes that according to The Gypsy Media Company, there are approximately 300,000 Gypsy/Travellers in Britain today and that the report for the Commission for Racial Equality (2006) estimates this number to be between 200,000 and 300,000. A Scottish population extraction of this would equate to c.20,000 which is the figure commonly used by the Scottish Gypsy Traveller community. The EHRC estimated it to be 15,000 in their 2010 report ‘Gypsy Travellers in Scotland: a Resource for the Media’, available from: [http://www.equalityhumanrights.com/scotland/scottish-news/gypsy-travellers-in-scotland-a-resource-for-the-media](http://www.equalityhumanrights.com/scotland/scottish-news/gypsy-travellers-in-scotland-a-resource-for-the-media).

5 Equal Opportunities Committee First Report 2001 Inquiry into Gypsy Travellers and Public Sector Policies (June 2001). From here, all the recommendations referred to are taken from the same report [http://archive.scottish.parliament.uk/business/committees/historic/equal/reports-01/eor01-01-vol01-01.htm](http://archive.scottish.parliament.uk/business/committees/historic/equal/reports-01/eor01-01-vol01-01.htm)
• the role of Gypsy Traveller Liaison Officers within the authority, along with their prescribed duties (rec 8 and 32);
• use by the authority of the ‘Model Tenancy Agreement’ developed by the former Advisory Committee on Scotland’s Travelling People (rec 6);
• the circumstances and needs of Gypsy Travellers within the authority’s local housing strategy (rec 4 and 10);
• the circumstances and needs of Gypsy Travellers within the authority’s race equality scheme (3 and 12).

Our research analysed data drawn from the 29 Scottish mainland authorities.

Role of Gypsy Traveller Liaison Officer

11. Only ten local authorities said they employed a Gypsy Traveller Liaison Officer. However, 14 local authorities employed a site manager whose job description included a variety of duties that included liaison with Scottish Gypsy Travellers in transit when they stopped in the area and stayed at roadside camps (also referred to officially as unauthorised encampments).

12. Many local authorities said that much of the additional work of liaising with Scottish Gypsy Travellers was taken up by officers in various service departments (e.g. Housing, Social Services, Education, Environmental Services), or by working groups encompassing all these services. Consequently, they argued that hiring a GTLO in addition to the site manager did not make economic sense at this time.

13. Amnesty’s opinion is that the critical elements of the Equal Opportunities Committee’s recommendations are the provision of services of information, support and consultation. The private nature of the community and the need to build a relationship of trust makes this work better suited to an individual independent of the local authorities’ institutions, who the community can contact for education, health and social care advice and assistance.

14. Such a service can be provided by a local authority employee but we also learned of examples where councils had concluded Service Level Agreements with third party organisations, including Aberdeen’s agreement with the Gypsy Traveller Education and Information Project (until its demise), and West Lothian Council’s partnership with Save the Children. East Lothian Council currently has such an arrangement with Shelter Scotland’s GTLO for independent, unbiased advocacy and liaison work. The function of Shelter Scotland as a liaison between the local authorities and the Gypsy and Travelling community has a number of additional functions which are not present within the structures of local authorities themselves. Shelter has also been working to break down barriers between the Travelling and settled communities by running cultural awareness events.

15. Amnesty recommends that Local Authorities should work with the Scottish Gypsy Traveller community to determine if a local authority in-house GTLO is a better model (where there currently is not one) for their area or an external organisation contracted to carry out GTLO functions or some other alternative arrangement.
Model Tenancy Agreement

16. Eighteen of the 21 Councils operating permanent sites were able to send us their tenancy agreements. Two others were in the process of replacing theirs.

17. The ‘Model Tenancy Agreement’ referred to by the Equal Opportunities Committee’s 2001 report was developed by the now defunct Advisory Committee on Scotland’s Travelling People, which was still to be published. In the absence of a published national model tenancy agreement Amnesty identified a small number of key elements to such agreements and supporting documentation and developed our own ‘Model Tenancy Agreement’:

- Security of tenure (e.g. the agreement contains details of succession of lease to relatives/co-habitee in the event of the death of a tenant).
- Consultation regarding change to tenancy agreements
- A clear complaints procedure
- The rights and duties of both parties set out in a clear manner
- Availability of legal advice from outside of the council (contact details on agreement).
- Availability of the tenancy agreement in accessible formats (for example, in audio format for people with limited literacy or visual impairment).

18. There is little uniformity in how tenancy agreements/missives of lease are drawn up for permanent sites. Of concern, only three of the tenancy agreements we received satisfied all of the above criteria. While five agreements satisfied four or more of the criteria and eight satisfied two or less.

19. One local authority responded to our recommendations saying that although these criteria are not contained within the actual legal agreement, the local authority does include much of the information which Amnesty had highlighted as missing in a charter and information pack, which is given to new arrivals to the site. Since we launched our research in 2012, Edinburgh City Council has been proactively looking at our Model Tenancy Agreement to see how they can improve their current tenancy agreement.

Local Authority Housing Strategies

20. Our research revealed broad inconsistencies between local authorities in their planning for the accommodation needs for Scottish Gypsy Travellers. Ultimately, each local authority has a responsibility to provide culturally appropriate housing under General Comment 4 of the International Covenant on Economic, Social and Cultural Rights on Adequate Housing which will extend to Scottish Gypsy Travellers.

21. The Scottish Housing (Scotland) Act 2001 requires that local authorities draw up Local Housing Strategies (LHS). Guidance on publishing a strategy specifies the inclusion of an assessment of the accommodation needs of Gypsy Travellers (as a group with specific needs). Twenty-seven mainland authorities’ LHS documents
were available, and two were not due to these local authorities developing and consulting on the interim or next strategy at that time.

22. Of the 27 LHS documents seen, 22 (82 per cent) included some consideration of issues affecting the accommodation needs of Scottish Gypsy Travellers. Nine of these suggested good planning for this community group. However, 14 of them were vague in their assessment. Five had no details whatsoever.

23. We found that LHS contained little in terms of planning for the accommodation needs, and more often highlighted successes over any continuing unmet needs. It was striking that a small number of local authorities that host comparatively high numbers of Scottish Gypsy Travellers as residents and in transit did not evidence good planning.

24. We subsequently wrote to local authorities recommending improving accommodation needs to include the needs of Scottish Gypsy Travellers. Eleven local authorities said the next or interim LHS was in development and that consideration of Scottish Gypsy Travellers was being made within the Housing Needs and Demands Assessment. This was being carried out regionally.

25. In 2011 Amnesty asked local authorities for up-dated information on progress. The local authorities that previously were able to highlight strong consideration of Gypsy Travellers in planning continued to show good practice. However, of the other local authorities, progress was varied. Falkirk and Fife Councils demonstrated improvement in their consideration of Gypsy Travellers within their LHS, while some local authorities have yet to make the progress necessary. Therefore progress over the years has been mixed.

26. Although its Local Housing Strategy was not available during our research period (2009-11), Highland Council appeared to be demonstrating good practice having developed a multi-agency action plan alongside other public bodies. Planning for accommodation needs sits alongside planning for a range of other needs.

**Halting or Transit Sites**

27. Research and accommodation needs assessments have identified the need for local authorities to provide more stopping places/transit sites, in addition to permanent public authority sites, due to the loss, or blocking off of traditional stopping places, as well as ‘restrictive policies on permanent local authority sites’. There is also a continuing need for an overall national approach to provide a ‘network of sites’ of varying size in consultation with Scottish Gypsy Travellers and in tandem with a national programme to tackle discrimination against this group.

28. Some local authorities acknowledge that the lack of halting or transit sites was an issue. For example, Aberdeen City, Aberdeenshire and Moray Councils together

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commissioned an accommodation needs assessment in 2009\(^8\). This recognised that the councils in the Grampian region had previously attempted to identify land for transit sites but had faced opposition from local communities. The assessment recommended that an estimated 35 pitches are needed in the region as a whole, and that provision should comprise a mixture of site and tenure types ‘including transit provision’.

29. Some stated that opposition from the local community was a barrier to implementation. Accommodation needs assessments commissioned by some local authorities recognised the need for them to debunk myths and stereotypes about Scottish Gypsy Travellers within their authority area, before they could have any success in identifying suitable sites. Identifying land for sites is clearly a contentious issue that has faced opposition from local communities and local media with one local authority telling us that it was difficult to identify a site that did ‘not offend someone’. Funding additional sites was also identified as a barrier with one local authority saying it ‘had so far not considered such sites as a priority capital project’.

30. It is also clear that there is a need for transit sites in a relatively large area of Scotland, in which case recommendations made to address this with a regional approach need to be heeded. There is also a continuing need for an overall national approach to provide a ‘network of sites’ of varying size in consultation with Scottish Gypsy Travellers and in tandem with a national programme to tackle discrimination against this group. This would require planning at local, regional and national levels. Public leadership is key to this.

Scottish Housing Regulator

31. In 2002, Communities Scotland published an assessment of provision of services for Scottish Gypsy Travellers provided by all 32 Scottish local authorities\(^9\). A follow-up study was published in 2006 and found broadly that ‘progress [had] been made by some Councils, but that this is not uniform – there continues to be a lack of strategic planning, needs assessment and inter-agency working’\(^10\).

32. Communities Scotland’s follow-up study found that few improvements had been made between 2002 and 2005/06 in local authority service provision and meeting the standard. In light of this, we recommend that the Scottish Government develops clearer guidelines to regulatory bodies on addressing the accommodation inequalities faced by Scottish Gypsy Travellers.

33. Amnesty had contacted the Scottish Housing Regulator assured us that evidence of poor practice or failure of landlords to meet their statutory responsibilities in this area could be considered by the Regulator and incorporated into its on-going risk assessment processes. The Scottish Housing Regulator has also published

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\(^9\) Communities Scotland (2002), Thematic Regulation Study: Services for Gypsies/Travellers - Summary Report Edinburgh, the Scottish Executive.

guidelines for councils’ self-assessment of accommodation provision on its web pages.

Race / Equality Schemes

34. One of the barriers to the provision of sites for Scottish Gypsy Travellers is opposition from settled communities. While local authorities often face local opposition to planning developments, the negative stereotyping and legacy of discrimination against Scottish Gypsy Travellers creates a clear impediment that must be addressed. The 2001 Equal Opportunities Committee report recognised the problem of discrimination and the need to address it in recommendations 3 and 12.

35. However, nearly a decade later since the Committee’s Inquiry, findings from the July 2010 Scottish Social Attitudes Survey\textsuperscript{11} show that a lot more still has to be done to reduce discrimination against Scottish Gypsy Travellers:

- 37 per cent of Scottish people would be unhappy if a close friend or family member married or formed a long-term relationship with a Scottish Gypsy Traveller.
- 46 per cent think Scottish Gypsy Travellers would be unsuitable as primary school teachers.
- Older people (55-69) and younger people (16-25) are more discriminatory against Scottish Gypsy Travellers.
- 42 per cent think giving money to organisations that help Scottish Gypsy Travellers find work is a bad use of government money (31 per cent thought it good, 25 per cent were indifferent).

36. In a 2005 review of the recommendations from the initial report, the Equal Opportunities Committee regretted the lack of progress in addressing the concerns and stated that ‘It is clear from the evidence received that Gypsies and Travellers stand out as a section of the community that receives particular levels of discrimination and negative treatment’\textsuperscript{12}.

37. As part of our research, Amnesty enquired about local authority equality schemes. Of the 29 mainland councils, one council’s Equality Scheme was in development and therefore was not available. Of the remaining 28, only 13 (47 per cent) made some mention of Scottish Gypsy Travellers within their Race Equality/Single Equality/Equality and Diversity schemes. Of these, only five councils (18 per cent) – in Highland, Glasgow City, North Ayrshire, South Ayrshire and West Dunbartonshire – made full reference to any of the circumstances or needs of Scottish Gypsy Travellers, in terms of issues such as access to services, a plan to tackle racism and harassment, and consulting and engagement activities.

38. Ten local authorities’ equalities schemes either made reference to this group as a community with specific needs, or referred to the commissioning of an accommodation needs assessment, with no further action planning or outcomes evidenced. While accommodation needs are an equalities issue for this

\textsuperscript{11} www.scotland.gov.uk/Publications/2010/07/01091850/0

community, we did not think this ‘reference’ fulfilled the recommendation in the Equal Opportunities Committee’s report, or indeed, the terms of new legislation. Again, there was inconsistency between different local authorities, with many pointing to the establishment of multi-agency working groups. Such approaches can be beneficial. However there was rarely representation of Scottish Gypsy Travellers and minimal evidence of consulting them.

39. The 2005 Equal Opportunities Committee’s review of progress found that the generic nature of many policies meant that local authorities do not deliver on the specific needs of Scottish Gypsy Travellers. A small number of local authorities told us in 2009 that the Single Equality Scheme is a generic document that guides all related strategy and therefore they would apply the relevant functions of the policy to the group. However, in a small number of cases, we found that although some local authorities had produced a generic document, some in fact highlighted specific actions for named communities within the document. This demonstrates that it is possible to take account of the specific needs of Scottish Gypsy Travellers as there is a precedent in some local authorities of including named community groups.

40. In our follow-up letters to local authorities that had failed to account or plan for the specific circumstances and needs of Scottish Gypsy Travellers in their equality policies, we referred them to the guidance issued by the EHRC: ‘Local authorities should adopt a more planned approach to delivering specific and prioritised equality outcomes – and this should replace the often ad-hoc activities and investments observed through this research’.

41. Promisingly (mostly in response to the Equality Act (2010) and its public sector equality duties), nine councils responded positively to our recommendation on their race or single equality schemes – either committing to involve Scottish Gypsy Travellers in drawing up their next scheme, including specific action points, or reporting that they had already done so. East Lothian Council, for example, reported that it is consulting the community, delivering awareness training within the council, and publishing a new Equality, Diversity and Human Rights Scheme which will identify issues relating to health, access to services, and harassment.

42. One of the issues raised in some responses from local authorities was that Scottish Gypsy Travellers are a difficult group to access for consultation. While we are aware that many Scottish Gypsy Travellers prefer not to self-identify, it is well documented that this is largely due to the discrimination faced throughout their lives from people in authority. However, not self-identifying means that it is often difficult for local authorities to quantify the actual numbers of Scottish Gypsy Travellers living in their area.

43. When addressing the issue of accommodation, the Scottish Government and local authorities need to address this discrimination. They should highlight the positive contributions Scottish Gypsy Travellers have made to Scottish society over hundreds of years. Such actions need to be planned for as part of local authorities’ equality duties under the Equality Act (2010).
44. Moreover, State parties, and therefore public agencies, have a responsibility to eliminate racial discrimination under international treaties. Failure to do so is an abrogation of their duties and undermines Scottish Gypsy Travellers' human rights.

Media Coverage

45. Given the low level of meaningful engagement between Scottish Gypsy Travellers and the settled community, the media has an important role to play in how settled communities gather information and form opinions about Scottish Gypsy Travellers. Yet anyone taking a cursory interest in the issue will quickly become aware of mainly hostile press coverage. To get an overview of the situation, we commissioned a media clippings agency to identify all Scottish coverage relating to Scottish Gypsy Travellers over a four-month period. We received 190 articles which we characterised according to whether each was considered positive, negative or neutral.

46. The EHRC has produced a Guide for Journalists which provides a wealth of background information and aims to avoid stereotypes or one-sided or inaccurate information. Unfortunately there is still widespread discrimination against Gypsy Travellers. This discrimination is being exacerbated by coverage both locally and nationally in the written press and by politicians who are quick to condemn a minority group.

47. Our research found:
- With 190 articles in Scotland over four months (or 120 days) there is an average of nearly 1.5 articles a day about Scottish Gypsy Travellers. Given that there is a very small population of Scottish Gypsy Travellers (c. 20,000 people or less than 0.5 per cent of the Scottish population) this group receives a disproportionate level of scrutiny.
- Nearly half (48 per cent) of stories were categorised as presenting an overtly negative picture of Scottish Gypsy Travellers (with 28 per cent positive and 25 per cent neutral).
- The overwhelming majority of this coverage takes place without the involvement of Scottish Gypsy Travellers themselves. Only 6 per cent of the articles presented a community voice so that in the vast majority of cases Scottish Gypsy Travellers were not afforded any right of reply.
- Certain stereotypes regarding Scottish Gypsy Travellers featured strongly in the coverage. In particular 38 per cent of the articles made some connection to criminality while 32 per cent brought in reference to dirt and hygiene.
- While local politicians were frequently called upon to comment on Scottish Gypsy Traveller stories, out of 78 occasions where this occurred, only four were characterised as being positive, and 48 as negative.

13 http://www.equalityhumanrights.com/uploaded_files/Scotland/gypsy_travellers_in_scotland_-_a_resource_for_the_media__word_.doc
48. The media’s connection of Scottish Gypsy Travellers with criminality is not only explicit in its coverage but implicit in the language used. The print media habitually uses the term ‘illegal traveller sites’ rather than the Scottish Government’s defined term ‘unauthorised traveller sites’. By using the word illegal rather than unauthorised the media is fuelling a sense of criminality surrounding the Scottish Gypsy Traveller community in the minds of the settled community.

49. The Scottish Government accepts that there will be unauthorised sites in Scotland as there are not enough council-run and private pitches to accommodate the number of Scottish Gypsy Travellers in Scotland. The Scottish Government has also accepted that ‘in many areas, such unauthorised encampments are the only option available’. This demonstrates that the word illegal is misleading as it implies conscious disobeying of the law.

50. One area of particular concern is the role of local political figures who comment on Scottish Gypsy Traveller issues. Of 78 occasions in the data set where a local politician was quoted, only four of these were categorised as being positive about Scottish Gypsy Travellers, while 48 were categorised as negative. Examples of positive quotes include: ‘No community in society should face a campaign of hatred, intimidation and threats’, made by Alex Neil MSP referring to Facebook pages which negatively targeted Scottish Gypsy Travellers. However, there is a clear temptation for local politicians to take a populist approach and speak out against a generally unpopular group, particularly as the bulk of our research took place in the run-up to the Scottish parliamentary elections. This comment from Aberdeenshire Councillor, referring to the use of an unauthorised site, is an example: ‘I have had a lot of phonecalls and visits from people who are concerned about this encampment. If they are giving the central community in Stonehaven problems, they are giving me problems’. As well as the responsibility of media to report in a balanced way, politicians have a responsibility to represent all their constituents in a fair and balanced manner.

51. Amnesty recommends that:

- Journalists and editors should adhere to ethical codes of conduct and ethical standards when writing about Scottish Gypsy Travellers.
- Journalists should build relationships with Scottish Gypsy Travellers to ensure balanced reporting.
- The Scottish Government should take the lead in promoting reconciliation between the settled and Scottish Gypsy Traveller communities. Political parties should act in a respectful and balanced way when dealing with issues involving Scottish Gypsy Travellers.

**Improving service provision for Scottish Gypsy Travellers: voices from the community and service providers**

52. Amnesty launched our research into Scottish Gypsy Travellers in April 2012. As part of our launch event in Edinburgh City Chambers, we ran workshops made up of Scottish Gypsy Travellers, local authority staff, other external stakeholders from the statutory and voluntary sector and human rights activists. There were workshops about how to improve service provision to meet the needs of the
Scottish Gypsy Traveller community. The key points from the discussions were:

- Individual post-holders in local authorities make a big difference - especially when they can build a relationship based on trust and respect (more training needed across the board)
- Awareness raising is key to everything
- Better service provision and improved sites
- Genuine involvement of Scottish Gypsy Travellers at local and strategic levels
- Political leadership to drive this forward - i.e. Scottish Government needs to tell local authorities to get their act together
- Long-term commitment when working with the Scottish Gypsy Travellers community, not short-term projects and tick box exercises
- Consistency in practice when it comes to service delivery.
- Consistency of roles so Scottish Gypsy Travellers don’t have to repeat their story to one professional after the other to get the right help.
- Key contacts in each local authority and other public agencies that should be accountable for decisions made or not made.
- Communications needs to be clearer on why something has been actioned and why something has not been actioned.
- Mutual awareness - training sessions for staff including decision-makers, events, involving the Scottish Gypsy Traveller community in planning sessions and events.
- Feedback to the community after taking part in events as people have given up their time to do so.
- Use the local elections as an opportunity to raise awareness of the issues facing the community.

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