1. I am writing to you as someone who has been involved in issues to do with race equality and human rights for the past fifteen years and who has during that time come across racial discrimination in many aspects of Scottish life. I have also had first-hand experience of it and in particular through my association with the Scottish Gypsy Traveller community. I wish to begin my evidence with two quotes from recent documents of which the Equal Opportunities Committee will be aware. The first is from the Equality and Human Rights Commission and the second is from an Equal Opportunities Committee Report.

2. "‘Measuring Up? 3’, is the summation of our analysis of how Scotland’s public bodies have fared in meeting their specific duties. The picture is mixed. Some authorities have made excellent progress, have clearly understood what is required of them, and have set themselves stretching targets that will make a real difference to people’s lives. Others however are still near the start of their journey. Whilst they may have good intentions, they have failed to support these intentions with evidence of well thought-through, measurable and attainable outcomes, or they do not have a robust baseline of data to monitor their progress going forward. Good intentions are not enough." (EHRC, 2013)

3. "The SHRC stated that discrimination towards Gypsy/Travellers was “the last bastion of respectable racism”\textsuperscript{27}, and that there was an impact across all Traveller populations. They pointed out that “even ethnic minority communities who themselves suffered discrimination 10 or 20 years ago” tended “to have prejudices towards the Gypsy/Traveller community”\textsuperscript{28}. This is from EOC 1st Report 2013 (Session 4) Where Gypsy/Travellers live.

4. I have deliberately referred to these because they acknowledge two crucial facts; one that Parliament is well aware of the discriminatory practices that have been taking place towards the Gypsy Traveller community here in Scotland for decades and highlighted in report after report from various agencies and from the Equal Opportunities Committee itself; secondly one of the bodies charged with protecting our rights and enforcing the law has also been aware of the situation but has done little or nothing from the evidence that it has provided to date, apart from writing about it, to remedy the situation. The EHRC’s failure to act is particularly relevant to the area of employment in relation to this community. It is also deeply concerning and requires a full investigation.
5. The role of the Scottish Government has also been deeply concerning. Some serious criticisms have been made of it for not tackling racism and in particular towards our most marginalised communities. For example in 2010 the EHRC called for urgent national leadership on Gypsy Traveller accommodation stalemate but to no avail. But what would one expect of a government not even prepared to publicly apologise to the Scottish Gypsy Traveller community for the injustices suffered over centuries and which continue more or less unchallenged today.

6. What this and what other evidence would also suggest (and there is a great deal of it) is that institutional racism is alive and well here in Scotland and that our politicians at a local and national level are either not too bothered to do something about it or could it be that there is a more sinister reason why there has been little activity in addressing these issues? By activity I mean something that will make a difference to people’s day to day life - outcomes and not outputs and political spin. Not even the Stephen Lawrence Inquiry and subsequent legislation has made a difference which begs the question why not? Is racism so embedded in our psyche here in Scotland that we cannot tackle racism?

7. What is also important to mention here is if institutional racism does exist it will impact on us all but more so on ethnic minority groups including our Gypsy Traveller communities.

8. As for removing barriers in employment this cannot happen when institutional racism exists. But no one is prepared to investigate such matters in any depth, certainly not the EHRC, the SHRC, the regulatory bodies or the Government of today. In fact they are almost complicit in ensuring that it continues by their inactivity. Reasons for not tackling it are: it's not in our remit, we do not have the resources, it is not strategic, it would be counter-productive, we don't wish to upset our funders, we don't accept that there is a problem, it's not our problem, and I am worried that I might lose my job!

9. A study in 2000, by Save the Children and Dundee University Law Department, revealed a disturbing level of institutional racism towards the Gypsy Traveller community.

10. Subsequent reports by the EOC on Gypsy Travellers (2001, 2005, 2012, 2013 and others including a report by Dr Raj Jandoo on the Chhokar case in 2001, a case which is still ongoing, the Coalition for Racial Equality and Rights - "Institutional Racism - Scotland still has far to go" (2012), a report by lawyers at the Govanhill Law Centre in 2012 which accused public officials of "institutional racism" in their dealings with Roma people living in Scotland (still ongoing), claims of institutional racism against Police Scotland in 2013 and so on...

11. A comment by Save the Children about the Scottish Executive Response to the first Gypsy Traveller Inquiry read: "The Scottish Executive response to the Equal Opportunities Committee recommendations is deeply disappointing. In brief, it serves as a testimony of how far there is still to go in changing
attitudes and the need to acknowledge past failures. Much of the Scottish Executive response can be summarised as either:- it is a matter for local authorities/needs to be addressed at a local level. or the issue raised is/will be covered by this or that policy."

12. In 2015 the Scottish Government refused to establish a national network of Gypsy Traveller halting sites. Housing Minister Margaret Burgess said that it was a matter for local authorities. Nothing has changed since 2001 including what was stated in Save the Children's conclusion: "It is interesting to note that the racism faced by Gypsy/Travellers is clearly illustrated throughout the Equal Opportunities Committee’s report and recommendations yet the racism towards Gypsy/Travellers is neither mentioned nor acknowledged in the Scottish Executive response. This in itself is an indication of the institutional racism faced by Gypsy/Travellers in Scotland....." And sometimes it is from the very agencies established to protect them and others!

13. Current policies appear to exclude Gypsy Traveller communities from the employment market. These policies could not have been equality and human rights impact assessed properly or not assessed at all. If institutional racism exists policies can be meaningless - just a tick box exercise.

14. Examples would be in relation to the traditional employment sector which is now more or less no longer available to the Gypsy Traveller community e.g. soft-fruit picking, flower and cabbage picking, potato picking and dressing, collecting scrap, whelking and cockle picking.

15. Other forms of employment are for many not an option unless you give up your 'identity' which many have done. What we have been seeing over time in relation to the Gypsy Traveller community is what some experts would call "cultural genocide"

16. Any attempt to tackle this injustice whether it be about employment, accommodation or planning or whatever results in being labelled a troublemaker or the term used by the legal profession "vexatious". Being labelled such can close many doors to employment, access to legal remedy and in some cases access to services. Access to Justice is currently I believe being discussed in one of the SHRC Scottish National Action Plan reference groups.

17. It certainly is the case that some in the Gypsy Traveller community do not feel that they can get justice in the UK and one of the areas of concern is in relation to employment.

18. Specific examples of discriminatory practices towards this community can be provided and have been over the years to many bodies including the EOC, the EHRC, the SHRC, the Scottish Government. The discriminatory practices continue more or less unchallenged. When challenged little or nothing happens to ameliorate the situation.
19. I believe that in relation to employment I have been victimised for having taken action in relation to 'protected' acts and friends who are Gypsy Travellers have also been victimised for assisting their community in tackling discriminatory practices. Previous evidence submitted to the EOC concerning the EHRC will provide some clarification about these matters.

20. Non compliance with human rights and equality legislation here in Scotland is well documented yet what meaningful action has been taken to address this and are bodies out with the UK being told the whole truth? I fear not!

Ken MacLennan
2 July 2015