



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Equalities and Human Rights Committee

Thursday 7 December 2017

Session 5



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**Thursday 7 December 2017**

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**EQUALITIES AND HUMAN RIGHTS COMMITTEE**  
**30<sup>th</sup> Meeting 2017, Session 5**

**CONVENER**

\*Christina McKelvie (Hamilton, Larkhall and Stonehouse) (SNP)

**DEPUTY CONVENER**

\*Alex Cole-Hamilton (Edinburgh Western) (LD)

**COMMITTEE MEMBERS**

Mary Fee (West Scotland) (Lab)

\*Jamie Greene (West Scotland) (Con)

\*Gail Ross (Caithness, Sutherland and Ross) (SNP)

\*David Torrance (Kirkcaldy) (SNP)

\*Annie Wells (Glasgow) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Davie Donaldson (Article 12 in Scotland)

Anthony Johnstone

John McDonald

Roseanna McPhee

Shamus McPhee

Kerry Musselbrook (Institute for Research and Innovation in Social Services)

**CLERK TO THE COMMITTEE**

Claire Menzies

**LOCATION**

The Robert Burns Room (CR1)



## Scottish Parliament

### Equalities and Human Rights Committee

Thursday 7 December 2017

*[The Convener opened the meeting at 09:51]*

### Decision on Taking Business in Private

**The Convener (Christina McKelvie):** Good morning and welcome to the 30th meeting in 2017 of the Equalities and Human Rights Committee. I have received apologies from Mary Fee, who is unwell and will not be able to join us this morning. I am sure that she is incredibly disappointed, because she has pursued long and hard the issue that we will be discussing today; I hope that we will do her justice. I make the usual request that mobile phones be switched to silent and that members keep their phones off the desk.

Agenda item 1 is a decision on whether to take item 3 in private. Do members agree to do so?

**Members** *indicated agreement.*

## Human Rights Day 2017

09:52

**The Convener:** Agenda item 2, which is the substantive item on our agenda and the main business of today's meeting, concerns the committee's work to mark human rights day, which is on Sunday. Having dedicated this item to human rights day, we will look at underrepresented and marginalised groups.

Last year, a group of children from primary 4 upwards came along and gave evidence to the committee. They were superb; indeed, some of the actions that we took forward from that session have resulted in changes to Scottish Government policy, and we hope that our focus on the issue that we are discussing today will have the same result. I know that, for many of you, any advances so far have been fought for long and hard, but we hope to keep pushing things along.

We have with us members of the Gypsy Traveller community. From the explanation that Davie Donaldson gave us before the meeting, I know that you are all Travellers, so if you are okay with that term, that is how we will refer to you.

I welcome to the meeting Davie Donaldson, Charlotte Donaldson, John McDonald, Shannon McDonald, Charlotte McKenzie and Anthony Johnstone. We also have with us Shamus McPhee and Roseanna McPhee from the Bobbin Mill project in Pitlochry, and Kerry Musselbrook from the Institute for Research and Innovation in Social Services. Thank you for the booklet "Gypsy Traveller history in Scotland" that IRISS has produced together with Shamus and Roseanna McPhee. It is a very good reminder of that history, which we are keen to hear about, but we are keener to hear your comments on the future and where we go from here.

The committee papers include a timeline of all the work that the Parliament has done since its inception in 1999 to push forward on some of the challenges and address the discrimination that the Traveller community faces. We look forward to hearing what you, especially the young people, have to say. It is one thing for politicians to ask what we should do next, but we should also learn from the past, which is why the older people are here, and use that learning to change the future.

I want to start by asking Davie Donaldson to give us a wee insight. We do not need to go through the informal briefing that you gave us earlier, but perhaps you could give us a wee update on where you think we are now. We can then talk about how we move forward to change things and end the discrimination that your community faces.

**Davie Donaldson (Article 12 in Scotland):** To be honest, very little has changed—I am sure that you can respect that view. From the perspective of everyone sitting at the table, and from speaking to my grandfather, it seems that nothing has changed at all; if anything, things have got worse in certain areas. Compared with the attitudes that my granddad experienced when he was younger, people now seem to be more inhospitable to folk camping and more aggressive towards folk who shift and engage in nomadic behaviour. As for schooling and education, and respect and awareness of our culture by society and local authorities, nothing has changed. The situation has remained completely stagnant.

In the informal session before the meeting, I described where we are just now: we are at the point at which young Travellers can access school only when they hide their ethnicity. I am the only Scottish Traveller I know of who is currently at university. Young Travellers are really struggling to gain employment because of their ethnicity, and they are barred from certain types of employment. In fact, there are many barriers to employment for Travellers.

The culture is being completely constricted to such a degree that a lot of young Travellers do not believe that it will exist in 50 years' time. Basically, what I am saying is that the Scottish Traveller community is at a critical point, and we need strong affirmative action from the top down, starting with Government. The Government needs to make an impact on local authorities by saying, "Look—this needs to be done" instead of saying, "We recommend that this is done", because the local authority never follows up on recommendations. That has been happening for years, as has been said. We need affirmative action so that young Travellers can challenge hate crime and racism and access the same opportunities that the settled community takes so much for granted.

That is where we are just now. I am sure that the other Travellers round the table will want to add a lot to what I have said, but that is a summary.

**The Convener:** Do any of the other young people want to say something now, or shall we go to some questions and then come back to you?

**Roseanna McPhee:** I would like to say something. The booklet that I am holding up is called "Gypsy Traveller history in Scotland". I have to say that I see myself more as a Gypsy than a Traveller; I have found reports in the archives in Blair castle that go way back to when Katharine Ramsay, the seventh duchess, interviewed my great-grandmother, who said, "Why are you calling me a Traveller? I am a Gypsy." I think that the linguistics actually point to that. My brother has a

postgraduate degree in linguistics with merit of distinction from the University of Warwick. He gave evidence—as I did—in the 2008 case of *Ken MacLennan v Gypsy Traveller Education and Information Project*, which established ethnicity. You say that we are all Traivellers, or Travellers, but that is really a matter for self-determination. I just wanted to say that.

Things have changed—they have got worse. The front cover of the booklet shows me berry picking in 2005, but by 2007, I was being turned away because the farmers did not need me. They said, "We don't need you because we are taking in people from eastern Europe." That is fair enough, but I came first—I have been picking berries there since I was a child. A lot of nonsense has been talked about what will happen post-Brexit, but there are a lot of unemployed people in this country who would be quite happy to pick berries for £400 a week. When I picked berries, we did not get that amount—we got 10p or 15p a basket. We also got thrown in a barn; we did not have caravans set up with electric cookers and all the rest of it, which is what happens now.

As Anthony Johnstone said in the informal session, it is not cheaper to take in Eastern European migrant workers. My perception is that there is complete racism, with people putting a blanket ban on Gypsy Travellers on farms and taking in workers from abroad. I hope that Brexit will sort that out.

**The Convener:** If you do not mind, we will not focus too much on Brexit today, because it is obviously a huge and different issue. I also apologise for my use of language; the need to use the right language is an issue that comes up here, and the committee is incredibly mindful of it.

**Shamus McPhee:** Following on from what Roseanna McPhee has said, I point out that the term "Gypsy" has actually been reclaimed in certain quarters—for example, by the Gitanos in Spain, who do not want to be seen as Roma. Roseanna and I, along with other members of the Scottish Gypsy Traveller Association, campaigned for the inclusion of the term "Gypsy" and its official designation, which was adopted by the Parliament. Davie Donaldson told me that his grandfather is a Manush. If we are all Travellers, how does that come to be?

10:00

**Davie Donaldson:** The point about language is important. As Roseanna McPhee has said, it is completely down to self-determination. You will never get it right, because there will always be certain members of the community who want to be referred to as something else.

My perception on the ground is that most people would not take offence at being called a Traveller, whereas some Scottish Travellers would take great offence at being called a Gypsy. I use the term “Traveller” quite often, because it is easier and less likely to cause offence.

**Shamus McPhee:** I would not take offence at being called a Gypsy, but I would take offence at being called a Traveller because the term is identified with nomadism rather than ethnicity. Being a Gypsy means that there are other characteristics that determine who you are, such as linguistics, common ancestry and shared beliefs and cultural values. If someone says that they are just a traveller, they could be Julia Roberts going to a film premiere in Paris; it is a generic term. In the same way, the word “tinker” is a restrictive occupational term. Roseanna McPhee is an ex-head of department in Plockton high school and I am a translator—we do not make tin. To me, therefore, the pejorative term “tinker” is wholly inaccurate.

**The Convener:** We are grateful that you have made the distinction. You are absolutely right that, with regard to ethnicity, we need a distinction in law to ensure that we can push forward on some of the challenges.

I would like to us to get on to some of the substantive issues that affect your everyday life, so we will move to questions from committee members. I want the session to be as informal as possible; if you have a point to make, give me a wee nod or a wee sign to let me know that you want to have your say. I am really keen to hear from some of the quieter members of the group, who might have more to say.

We will start with a warm-up question from Alex Cole-Hamilton, and we can move on from there. I hope that that is agreeable to you.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Good morning, everyone—thank you so much for coming to the committee today. The discussion that we have just had about nomenclature, terms and identity has given a flavour of just how diverse and rich the cultures that we are talking about actually are. It is very easy just to group everybody together, and with that comes the overarching prejudice that we have heard about today.

In the informal session, Anthony Johnstone described prejudice against Gypsy Travellers as the last acceptable form of racism in this country. Anthony articulated very well what that looks like. I was struck by his reference to broadcasting. We heard references to online comments on articles that are posted, and things that are said by people who do not work in broadcasting, but I am very keen to hear your view on the portrayal of your

cultures in the mainstream media. The media shapes our national culture and the way in which we view you. Can you give some examples of how you feel that broadcasting lets you down in that way?

**Anthony Johnstone:** As Travellers, we are not secretive people, but we live on our own and we do our own thing. I am not trying to say that we have been totally hard done by, and we are not trying to look for something from the everyday person who goes to work every day. We are not looking for anything extra from anybody, but we are human beings and we are the same as you. We are looking to get on—that is it.

As Alex Cole-Hamilton mentioned, I think that prejudice against us is the last acceptable form of racism. It is hard for us to try to get on, because we are portrayed by the media as if we are looking for something else. Apparently, we are going to argue with the Government about sites and about this and that. If you were at home in the house that you own and a bailiff came round and told you to move, it would be a shock to you more than anything else.

We see in the media that, apparently, we are going to sit and argue all day long. All that we are trying to do is to move on—do you know what I mean? The mainstream media paints us as this big situation—I do not know what else to call it. It is as if we are a statistic or a number more than anything else. We are not seen as human beings—that is the thing.

I would like people to start looking at the actual life that we lead instead of seeing us as just a number or saying, “They’re Gypsy Travellers—they’ve got dogs and horses, they have wagons and they move up and down the country.” There is a lot more to it. We have families, and we want education. We want to move on as normal people. Just like any ethnic group, we want to stop being called “different” and start moving on in a civilised way. We just want to be part of things instead of being pushed aside as if we are different. If I was standing next to you, you would not be able to tell the difference, but as soon as I open my mouth, that is the issue. It is stupid, but it is there—it is a real thing.

It is not as if that prejudice is new—it has been there for a long time. Davie Donaldson, Charlotte Donaldson and I are cousins, and our grandfather went through the same as what we are going through today—it is just a different version now. We have family who have served the country by going into the Army, and they lead the same kind of life as everybody else would hope to do. They are trying to stand up for their country and move on. They are trying to become more integrated, but that does not happen as easily as you would think. That has always been the case.

Please do not think that I am just giving you a sob story or asking for something. I am not—I am just asking you to look at things from that point of view. People say, “They’ve all got wagons and horses, and they’ve got kids and dogs, and they like to make a mess”, but that is just not the case. We have people in our community—a lot of us—who stay in houses. A lot of us give up our heritage and where we come from just so that we can be normal, if you know what I mean. Because of that one wee nicky bit of racism, it is easier for us to give it up and forget it, and then our culture is forgotten. That is happening to Travellers a lot more.

I am not asking anybody for anything, and I am not saying that you guys are to blame. I am not saying that anything will make a difference. There are only a few members on the committee, which does not account for the few million people in this country and never will.

I would like to see changes in the school system and so on. I went to a primary school where I was treated like an animal by my teachers—honestly, I am not lying to you. I am not saying that I was bad—I was just there every day, and they hated to see me coming because of my last name and because of where I came from. I had to sign a sheet of paper that told them that I was a Scottish Traveller, and as soon as they had that mark against my name, I was blacklisted for my whole life. That was it. It is something as stupid as that which is holding us back.

**The Convener:** Thank you, Anthony. Kerry Musselbrook wants to come in with some comments.

**Kerry Musselbrook (Institute for Research and Innovation in Social Services):** I want to say a little bit about our motivation in creating the pictorial history booklet. It is about challenging some of the myths that feed into our media and our culture, and about sharing that proud history and heritage and making it more widely known. It is also about acknowledging the past. While we all want to move forward, there is an issue around acknowledging past wrongs and appreciating that, because Gypsy Travellers have been treated badly, there has been suspicion and mistrust among them about engaging with public services. It is all in the booklet.

My personal take is that something like this booklet should be used in schools. We need to start early to ensure that Gypsy Traveller history is better understood and celebrated. The next logical step is for the community to have its own cultural centre or something like that. Gypsy Travellers need to be present, because they are currently so marginalised that they are not visible, which means that it is easy for them to be misunderstood.

**Alex Cole-Hamilton:** The casual racism that we have heard a lot about this morning has even permeated the Parliament. Many of us were shocked when Douglas Ross, who was previously a Conservative MSP, referred to Gypsy Traveller communities as a “blight”. Had he used that term against any black or minority ethnic community, there would have been uproar. Do you think that we need to do more through legislation to protect your status as a protected characteristic, and to challenge that kind of casual racism even when it stalks the corridors of power in this place?

**Roseanna McPhee:** Yes. The case of MacLennan v GT in 2008 established ethnicity beyond all doubt. That should have been built on, and built into the Scottish Government race scheme. I have letters from members of the Scottish Government that say, “We will treat you as an ethnic minority.” No—we are an ethnic minority; it is on the statute book. The decision may not have been made in an upper court, but a wealth of evidence was put forward by us and by academics and professors who are well tutored in the subject. There is a continual denial from central Government, which says only that it will treat us as an ethnic minority. The legislation should have been passed round and should have permeated all the different services and policies at local level, but it is clear that that has not happened.

I will give an example. I advocated in a case to do with planning in the Inverclyde basin. There was not a single site across four different authority areas: Glasgow City, Inverclyde, one of the Renfrewshires and one of the Lanarkshires—I cannot remember which ones. However, the local development plan made no reference to Gypsies or Travellers except to say, “We will continue to monitor this.” What is there to monitor?

The local authorities were saying that they did not have any sites. They were calling me from disused industrial sites and saying, “Can you help?” If provision was in the local plans, we would not see Gypsy Travellers setting up in a car park so often, which happens only because there is nowhere for them to go. In addition to the need for recognition in legislation, the “Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland” should be looked at seriously again. Under the guidelines, it is up to a local authority to make recommendations for official stopping places. As we have heard, however, authorities are never going to do that. At the end of the day, that policy document is a waste of space. It would be as well to just take it out of the equation, because no one is paying any attention to it, for good or bad.

**Davie Donaldson:** Quite a lot of what has been spoken about is really important. I will share one



example of political racism that I have experienced personally. It was not as high up as Government; it was at local authority level. Years ago, I was at a community planning executive meeting—as the vice chair of the local youth council, I was invited along to such things. It was my first time there, and nobody knew that I was a Traveller. We were discussing national health service provision in rural and marginalised communities, and people were talking about the logistics and the sort of legislation that needed to be looked at. The whole way through the meeting they spoke about rural communities and people who lived in coastal towns where services are hard to access—all that sort of stuff. They were talking about dementia care and things like that, and I thought, “That is really important to my community.”

At the end, I put up my hand—I was so shy, honest to God. There were heaps of folk in suits, and there was me sitting there; I was 16 or something like that. I said, “What about the Gypsy Traveller community? I know that there are huge issues with trying to gain access to healthcare for older Gypsy Travellers. What about the Gypsy Travellers in Aberdeenshire? Is there anything that we could put in place for them?”

The whole table went silent, and I was absolutely terrified. There was a big guy at the top of the table. To this day I cannot remember his name—I wish I could so that I could complain about what he said. He was chairing the meeting so he must have been important; he had on a big suit and all that. He looked over and said, “Who are you?” I said, “I’m David Donaldson, the vice chair of the youth council.” He said, “Okay—well, here’s your first lesson, David. No one here cares about the tinks.”

The meeting just carried on. They completely overlooked my suggestion, and it was never spoken about again. I was shamed to death, and completely insulted. I was so shocked that a man of such high standing had said that. Until then, I was very naive—I thought that local authorities were good and that they all had good intentions. That is just another example of what is said behind closed doors. It happens so much—I hear about things like that so often, as I have a lot of contacts in the council through my work across different local authorities.

10:15

To give a specific example, I recently heard about an internal email that was sent round. It was about a potential site development that a Traveller man was planning. A guy in quite a high position—I will not say who it was—replied to all his colleagues regarding the email that the Traveller man had sent to request help with planning applications by saying, “Don’t help him—he’s a

Traveller. Give the help to a good honest man.” He put a blanket ban on help from all his colleagues. That is the sort of internal stuff that we experience at local authority level.

I am still naive enough to hope that such attitudes do not exist at the Parliament level, but Douglas Ross dashed those hopes. I know that his comments really made an impact on the ground among a lot of Travellers who live in Moray. That is my perception of the political aspect.

**Alex Cole-Hamilton:** I will move on to a slightly different area. We have talked a bit about access to services, in particular the barriers that you encounter in accessing mainstream services despite paying council tax and other charges from which you would expect to benefit as everybody else in society does. I am most interested in access to healthcare, and mental health services in particular. I accept that there are different cultures represented round the table, but those of you who have a nomadic way of life may not be registered with a specific general practitioner, and in addition you may experience complications around mental health in particular, given the barriers and significant challenges that you face. Can you give us a flavour of how difficult it is for you to access services, and how you get round those difficulties?

**Davie Donaldson:** There are significant issues with healthcare provision. A lot of the Travellers I know who moved into houses did so in order to access healthcare. They were previously living on sites—they were not even on the road, where it is increasingly difficult to access services. There is a level of scrutiny by GP practices; it is almost as if they take an authoritarian approach to deciding who can register with them. If someone is there for only a couple of days and is shifting on to somewhere else, it is very difficult for them to register.

I have had countless discussions with people in the national health service at all levels. They all say, “Oh yes—on the road, you can definitely go to this practice and there are no issues with that”, but there are issues. If you speak to people on the ground who have shifted and who need to access a GP, you find that there are issues. People cannot do it—it is really difficult. Folk make it so difficult that most people do not even try.

With regard to mental health services, a lot of activists—not just in Scotland but down south—are taking the issues seriously and doing a lot of work on them. As I said in the informal session, suicide rates among Traveller men are increasingly high. There is a variety of reasons for that. Some say that it is because of evictions, and some say that it is the work situation, and the perpetual cycle of homelessness and unemployment. Those are issues that really

impact on our mental health. There are high levels of depression in the community, but mainstream charities—any organisations, really—do not seem to focus on those issues.

I do a lot of work with Childline as a counsellor, and I recently delivered training to other counsellors on how to help young Travellers to access Childline as a resource. Until now, there has been nowhere that Travellers can go. This is an extreme example, but if a young Traveller has been on the road for their whole life and knows only other Travellers, and the only experience that they have of country folk—the settled community—is when the police come and shift them on or when a council woman comes down and gives them a book, their relationships with that community are minimal. If that young person then starts to suffer from depression or starts getting suicidal thoughts, who do they call? What do they do?

We are a missed people when it comes to mental health services. That issue needs to be tackled, and I am glad that Alex Cole-Hamilton brought it up.

**Shamus McPhee:** A person's health tends to suffer when they are unable to earn an adequate income. It is a downward spiral. The situation on the ground is that people do not have

"the right to work"

or the

"just and favourable conditions of work"

to which they are entitled under articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights. As a result, people are not eating or living well, and their health is suffering. They are refused access to local GPs, who do not play ball by providing them with hand-held patient records so that they can lead a mobile lifestyle.

Assessments tend to be based on the English model, whereby a Traveller has to satisfy the authorities that they have travelled for over two years in order to be included in an assessment. I would not like to see that system replicated in Scotland. There is a danger in taking that view of whether someone is a Traveller: after two years, a person can lose their status and they are no longer included in assessments for anything, including housing or healthcare.

Anthony Johnstone raised a valid point about people being blacklisted. Had I known that Unite the Union was going to be staging a protest outside the Parliament yesterday, I would have been there with Roseanna McPhee, who has not had a day's work as a teacher in 22 years despite being on the supply list. Despite the fact that my area is crying out for Gaelic teachers, the authorities could not think of anyone suitable for

the posts. What does that tell you about the extent of racism and discrimination?

I would like to raise a couple of other points with the committee. One concerns infringements of international human rights—for example, the right to freedom of movement in article 12 of the International Covenant on Civil and Political Rights. Gypsy Travellers who live on local authority sites in Scotland tend to be bound by a Scottish secure tenancy agreement, which limits them to 12 weeks a year in which they can travel off site. That is a violation of their right to freedom of movement. If they can go off site for only 12 weeks of the year before forfeiting their tenancy on a local authority site, that is an impediment to their ability to lead their cultural lifestyle.

In addition, on the right to work, there is blanket unemployment on sites, which shows that a sedentary approach does not work. You could have a mobile workforce at your disposal—as Roseanna McPhee and others have said—who would much rather be travelling round the country doing work on berry farms or whatever if there is a sustainable income.

The right to self-determination recognises the negative right of a people not to

"be deprived of its own means of subsistence."

That has implications for how Gypsy Travellers are treated in Scotland, so there is another violation. What do we intend to do about those violations? That is the question.

**Roseanna McPhee:** To come back to the health issue, it is a fallacy that you do not get adequate health provision just because you are on the road. We have been registered with the same practice for years, but the doctors change. A few years back, after planting trees for five years, I started to feel ill. I had developed a respiratory infection. I was taking about 18 sets of antibiotics and steroids, and I said, "This cannot be right. I was up the top of Dunnichen hill planting trees with a bag on my back—how come I cannot walk to the shop?"

I asked the GP what was wrong, and he said that he did not know. I asked him to send me to someone to find out, because I did not want to be like that. He said, "Who do I send you to?" I told him to send me to immunology, because something had obviously gone wrong with my immune system. He said, "I can send you, but they won't want to see you." I said, "Just make the referral, and we'll see about that."

He did so, and a few months later I asked whether anything had come back. He said, "It's just as I said—they don't want to see you." I asked him to refer me to homeopathy, and he said, "I can do that, but they won't want to see you either." I

said, "Well, do it and see." He talked about the cost of secondary care, and said that homeopathy would not want to see me, but I told him to make the referral.

When it came back, the doctor said, "They don't want to see you either." However, I had already phoned the homeopathy department, and they said that they were willing to see me, so I knew that that was a load of rubbish. I asked to see my file and was told that I was not allowed to see it, so when the doctor went on holiday, I went in with a subject access request under the Data Protection Act 1998 and got the whole lot printed out. There were volumes—it was very interesting reading.

The doctor had sent a letter to the chief executive to say that I was a local Traveller who was quite politically active. A week later, I got a letter that said, "I am sorry, but there's nothing more we can do for you." I presume that all of you MSPs here are not getting secondary care because you are politically active.

**Alex Cole-Hamilton:** Wow—thank you for mentioning that.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Thank you all for coming. I do not know whether I was unbelievably naive before we started this morning's session, but a lot of the evidence that I have heard has absolutely horrified me. It has made me quite angry that we are still living in a society that allows things like that to happen.

I have been a member of the committee only since Easter. When I joined it, one of the first things that I did was to hold a private session with Mary Fee to learn about the Gypsy Traveller community. We had a really good session, and I know that she will be really upset that she is not here today. I just wanted to mention that.

I have a question for Davie Donaldson in particular, although anyone else can come in. During the informal session, you spoke about authorised sites and how a lot of your camps are now unauthorised. You also told us in quite a lot of detail about maintenance and health and safety issues, and the inappropriateness of the sites. Perhaps you could go into a bit more detail, just to get some stuff about sites on the record.

**Davie Donaldson:** As I mentioned in the informal session, there is a huge lack of sites, and the majority of people do not have anywhere to go. There are two levels to the accommodation need, the first of which is the need for appropriate accommodation. Some Travellers do not want to live on sites; they want to be housed, but it can be quite difficult for Travellers to access housing given the level of institutionalised racism. That point is never really spoken about.

There is also a need for sites, but not only permanent sites; we need transit sites—halting sites—too. The traditional nomadic way of life is a part of the culture that I think that most Travellers enjoy, but shifting—going on the road—is becoming increasingly difficult. The majority of our traditional camps have been shut down because they have been taken into private ownership or because they are being used for development. Those pieces of ground are not only integral to our culture—our oral histories that relate to them—but in some cases there are monuments very close to them. I am thinking in particular of sites in Argyllshire near the Tinkers' Heart.

There are issues not only at the level of culture but at the practical level in terms of people actually staying there. The local authority will develop a piece of land without even consulting the local community, and we are just expected to know where to go after that. If we move into a local authority area without knowing that our camp has been shut, which quite often happens—it has happened to my family quite a few times—we have nowhere to go. That is when illegal encampment happens, and that has an impact on community relations.

**Shamus McPhee:** On illegal encampments, I draw the committee's attention to "Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland". Those guidelines violate the right to respect for private and family life because they impose limits on the number of vehicles, break down the extended family unit, penalise the lighting of stick fires and infringe the rights of the family in camp as an extended family group.

As Davie Donaldson said, one of the problems is that community buy-outs and the creation of national parks have eroded our ability to access traditional stopping places. I suggest that we devise a charter of traditional stopping places using bioregional mapping and historical land use records so that those sites are safeguarded in the future.

10:30

**Roseanna McPhee:** A few years back, when we were on the Gypsy Traveller liaison group for our local area, we had an agreed stopping place. People went there, and everyone knew where they were. Most people kept it quite clean; in fact, the owner of the Murthly estate came out, stopped his car and said, "It's so good to see you picking up litter." However, that particular stopping place suddenly went by the wayside.

I noticed from looking at the *Travellers' Times* online that Leeds GATE has won an award for having agreed stopping places. We tried to put it

on a contractual basis that, if people were there for two or three weeks, it was agreed with the council that they would pick up litter and so on, which would save a lot of bother. However, that did not happen. It was claimed, "If we do that, then they'll have human rights." We now have a Scottish national action plan. I presume that, after all the money that has been invested in it, it will be implemented at some point—although we do not know, because of Brexit. If we have human rights, could there not be a sensible pilot in a few regions? Let us see whether that saves £12 million in pick-up costs.

I was told about the one family out of the eight that made the mess. However, that family was not put out and told, "Right, we're doing you for littering the place." The police were not called, and the family was not charged. All eight families were put out, and a big picture appeared in the local press. I refer to what has been said. The situation was totally distorted, as it was made out that everyone in the lay-by had been responsible, but it was one family out of the eight that made the mess. They were quite blatant about it. If they had been moved on, the rest would have been quite tidy.

**The Convener:** I want to get the name of the project right. Did you refer to Leeds GATE?

**Roseanna McPhee:** Yes—Leeds GATE: the Leeds Gypsy and Traveller Exchange.

**Davie Donaldson:** I do a lot of work with Leeds GATE. I am quite well connected with activists in England, and I am glad that Roseanna McPhee brought up that really good example of a progressive attitude. The negotiated stopping schemes that have been put in place work brilliantly. Such schemes not only take into account the traditional nomadic pathways of the Travellers who use the service; they show an element of value towards the community on the part of the local authority, which is willing to work in partnership with the community rather than in an authoritarian way.

I draw attention to one particular camp to illustrate how the shutting down of traditional camps and the constrictions on our nomadic way of life have an impact on young people. We had a camp in Kinloch Rannoch where we stayed every year since I can remember. I mentioned this in the earlier informal session. That camp has now shut down because one Traveller family left some mess, and it is now illegal for us to stop there. We have an oral family history of us staying in that one spot that goes right back to the massacre of Glencoe. We have countless other stories of more recent relatives who stayed there and all the different stuff that happened. We stayed there for a very long time—more than 320 years—but it is now illegal for us to do so. For a young Traveller, it

feels like we are missing out on a bit of our culture. We are missing out on the opportunity to access the traditional lifestyle that our grandparents had.

From our perspective, the retention of traditional stopping places and nomadic camps by local authorities and local communities, working with the Travelling people, is really important. That level is not spoken about often, but it is really important.

**David Torrance (Kirkcaldy) (SNP):** Good morning, panel. I would like to return to the lack of good-quality travelling sites. I was a local councillor for a number of years before being elected as an MSP, and I have seen some of the difficulties that my local council has faced. How do we bridge the gap between the media and local communities? As soon as council officials put out to consultation the question of a site for the Travelling community, a frenzy is whipped up by the local media like I have never seen before, and that rallies local communities against it. How do we bridge that gap and educate local communities?

**The Convener:** Do you put your history into classrooms?

**Shamus McPhee:** That would be a start.

**Anthony Johnstone:** I have stayed on sites most of my life—about half a mile from here, in fact, in Craigmillar or Duddingston. I stayed there for six years. I have also stayed at a Dalkeith site. The living conditions are a joke.

We deal with things ourselves. I will go to the warden and say that there is an overflow of rats. We stay next to rivers. It is a joke. It might be funny to everybody else, but we deal with things ourselves. I might go to the warden and tell him that there are rats and it is not good—I have baby sisters and young family around me, and there are other babies there, but there are rats running up and down. The warden will say to you, "Well, get a cat." That is the attitude. It is a joke.

I am not trying to say that people are not trying to help us—they are. A couple of years ago in Duddingston, a new warden came. The guy does try—you can see that he tries a million times harder. His attitude is the total opposite of what we had before. He gets through things and he wants to talk to officials and make things better. If more people are trained—not trained to deal with us, but trained to deal with that sort of situation—there can be more of an open-minded approach. It would be better if people were trained to deal with such things, instead of cutting us off and saying, "It's not my problem."

I know that everybody has a job to do, and we all like to make things easier for ourselves, but I reckon that, if the right people are put in a position

to deal with us or people are given the right training, it would be much better, especially for sites.

**The Convener:** Would that answer David Torrance's question about bridging the gap, breaking down some of the stereotypes and tackling the clear institutional direct and non-direct discrimination that goes on? Would that help with some of the education that needs to happen in schools, so that people can understand the difference in cultures? We do that already when it comes to race, gender and sexual orientation. Why is there a missing link here? That is the point: if we get that missing link right, we should start to see progress.

**Anthony Johnstone:** Yes—that is the thing.

**The Convener:** The question is: how do we find that missing link and get rid of that gap?

**Anthony Johnstone:** We are not used to being able to do this. This is the first time I have ever got to talk to members of Parliament and give my views like this, so thank you for that. It means a lot—genuinely. We are not used to being able to come to somebody and tell them our problems. When it comes to it and the opportunity is given for us to say something, it can turn into a frenzy. We are not often given that opportunity.

I know that you want to bridge the gap. It will be hard. It is obvious that we have always been there. I reckon it will be a slow thing. Nobody is perfect, and nobody can do a perfect thing fast—as long as we start moving in the right direction, instead of just forgetting about it.

**The Convener:** I have an idea about how we can do it, and I think that Shamus McPhee is going to tell us.

**Shamus McPhee:** Several years ago, I did a piece of research that concentrated on the special rapporteur to the United Nations Economic and Social Council. He visited a number of eastern European countries and noted the absence of any cultural centres where people could drop in and find out about the culture. I note a similar thing in Scotland today. There are centres for every other group imaginable, but I do not see anything to encourage or foster intercultural pedagogy. It is a bit like the enlightenment never happened as far as Gypsy Travellers are concerned. It is almost like Goya's capricho, "El sueño de la razón produce monstruos"—"The sleep of reason begets monsters." Everybody has their head buried in the sand and is seeing bats and things. That is what we are seeing when it comes to our community. Attitudes towards us are still steeped in medieval thinking and that has never been addressed.

Roseanna McPhee has something to say about the treatment of Gypsy Travellers and the

recourse to lodging something with the Press Complaints Commission.

**Roseanna McPhee:** I had a case successfully upheld by the Broadcasting Standards Commission many years ago, about a local radio station. The Press Complaints Commission was never covered by the Race Relations Acts or the Race Relations (Amendment) Act 2000. It was opting out and was deciding how to self-police.

The point is that it should not be up to councils to tilt at windmills, like Don Quixote, along with the media. Responsibility for the press and media lies with the state—with the central Government. It has a duty to ensure, under various human rights instruments including the Framework Convention for the Protection of National Minorities and the European convention on human rights, that the national press and media do not revile any one group. The state has not been doing its job, I am afraid. That responsibility should not be passed down to the council; council officers are simply there to do their job as council officers.

I appreciate that community councillors and local councillors will pass that responsibility on to them, but at the end of the day, council officers are hired to do a particular job, and they go and do that job. They should not have to sell something to the press or the media. That is a matter for the state to deal with.

**David Torrance:** On the point about local authorities, like the convener and the rest of the panel, I know how hard it is because for any ethnic minority group, there is funding and there are different people to liaise with members of that group, whereas there is very little funding available from local authorities. I worked with Jess Smith to get the Tinkers' Heart recognised and to save it. I know how hard it was even to get it recognised through the legislation.

This is a difficult question, but does central Government need to have a firmer hand on local authorities? The Confederation of Scottish Local Authorities might come back to us and tell us that we should not be interfering.

**Shamus McPhee:** I think so. I had this conversation with Johann Lamont several years ago when a COSLA representative was present, and she said that councils were autonomous. I stressed the point that councils get around 86 per cent of their funding from central Government, so it must have some clout over councils and some input into how they conduct matters. That is my answer. If councils are receiving most of their funding from central Government, that gives you leverage to say, "Unless you perk up, we will restrict your funding or your ability to access funds."

**The Convener:** There are legal frameworks, too. We have spoken about the articles that we should be using to get some leverage over any organisation, whether that is a health board or a local authority.

The committee was reconvened after the 2016 election with a new remit on some of the newly conferred powers on human rights, so we wanted to take a refreshed look at the situation of Gypsy Travellers in Scotland. That change allowed us to adopt a slightly different attitude, because equalities legislation was not really ticking the boxes, as far as a box-ticking exercise would go, in that basic form. The human rights legislation gives us a renewed, different focus.

There are local authorities that will say that central Government should not be interfering with them, and central Government might say that local authorities should be doing certain things, but there are legal frameworks in place, and the committee will be considering how to ensure that they are enforced. I think that the enforcement mechanisms are already there, but they are not getting used. How do we create the circumstances where they do get used and get used in the right way, with the best of intentions and to make a blinking—excuse me—difference?

**Davie Donaldson:** What we are speaking about is really important; there is that gap between the local authority and the community on the ground. We have seen planning applications failing countless times. Sometimes that is because of a fault in the application itself, but sometimes it is not—sometimes it is because of racism.

I know that local authorities are skint. Everyone knows that. However, when we are sitting in a meeting and we hear the amount of moaning from the local authority—honest to God, if you could channel that energy into tackling racism, we would not be sitting here today.

Councils complain a lot, but they overlook opportunities, not just to save money or to found relations with the community but to be good, upstanding people. There are countless examples of Traveller men and women up and down the country who are willing to pump money into building their own sites. They want somewhere to live and somewhere they will enjoy staying. They do not want to be stuck on the side of a midden with the local authority saying, “That’s all you’re getting. You complained—we gave you accommodation.” They do not want that. They are not being helped. In fact, they are being hindered when it comes to the planning process. From my experience, local authorities see things happening and they might not help with the planning applications or give support to the Travellers trying to build a site. Sometimes they go further and

actually impede Travellers and make it hard for them to build sites and get them passed.

10:45

We have John McDonald with us today, and I am keen for him to give his perspective on this point. John is from St Cyrus. I am sure that you have all heard about the St Cyrus North Esk development in the news. There is quite a lot of controversy about it up in Aberdeenshire. To me, it is a prime example of a site being built that is good for the community. I will not go into the planning process, but it is one of those instances when a local authority has not helped at the foundation stage. Now things have reached a level where there are arguments with the Scottish Environment Protection Agency, which has become involved. Many different things are involved, the situation is really difficult and there is a lot of tension in Aberdeenshire. There is a lot of difficulty for the families in regard to potentially being made homeless.

**John McDonald:** It feels like people are just making up excuses. More than 100 people on North Esk are going to be made homeless, perhaps next month. Most of them are women and children. There is not really anywhere for them to go, apart from a car park or a lay-by, or even a football pitch. The North Esk site is perfect: it is kept clean and there is no bother by the police. There is even a school there now for education—a school is being arranged. To be honest, it just feels like they are making up excuses. It is racism, I think.

**The Convener:** We are running out of time, but we want to hear as much from you as possible. We are well over our time already. Jamie Greene has been wanting to come in. He will have the final question this morning, and we will then hear comments from the panel.

**Jamie Greene (West Scotland) (Con):** Good morning, everyone, and thank you for your briefing prior to the public session, which was very helpful.

I have lots of questions but, in the interests of time, perhaps I can arrange with the clerks to have a further conversation with some of the panel outside the realms of the committee. I know that that will not be on the record, but I would find it very helpful—I have several specific questions, which it would be helpful for me to understand.

I will take things more widely. We have been talking about this issue since the opening of the Parliament. I have been looking at the track record. I am quite new to the Parliament and to the committee, but I have gone back through the timeline of events and the various things that have happened: an inquiry in 2001, a review of that inquiry in 2005—which I note was quite critical—a

working group in 2006 and a round table in 2009. You can see where I am going with this. I am feeling a bit of *déjà vu* and, although I am extremely hopeful that, with the make-up of this committee, we will take some positive steps and make some moves forward, how do you feel about it? As Anthony Johnstone said, we are just a small handful of people in a country of many millions. Although we are politicians, what can the committee realistically achieve so that we are not looking back in 17 years and having exactly the same conversation?

**Shamus McPhee:** You can attempt to tackle the populist view that we are a bunch of parasites who subsist on the thrift and industry of others. The way to do that is by embracing the European Commission's recommendation that there should be activation on employment, so that wider society can see our usefulness.

We have been a resource to the Scottish economy for centuries in the past, but all of a sudden we have been binned. We are now frozen out of the employment arena. It is almost like in Hungary, where there is almost 100 per cent unemployment among the Roma, who have been placed in ghettos and sedentarised.

You need to try and steer the treatment of Gypsy Travellers down a different route and encourage nomadism again.

**Davie Donaldson:** What Shamus McPhee says about employment is really important. Many Travellers, certainly in my family, will do landscaping work, roofing or other mobile trades, which you can take with you if you shift or you want to up sticks and go to another part of the country. As Anthony Johnstone said in the earlier informal session, those trades are taught by fathers to their sons—they get passed down like that. There is never really a stage at which a Traveller bairn would think of going to college or going on a different apprenticeship; they would usually learn from their dad. The trade is learned, and the Traveller bairn would usually use it going up through life.

There are so many issues with that, however, in that many Traveller folk who learn trades might learn mistakes from their dads. Sometimes you get shoddy workmanship with some Travellers, like in every community—there are shoddy workmen in the settled community, too. For whatever reason, we get tarred with the brush of that one shoddy person. It is important to realise that that person might not be doing it on purpose—they might have learned the mistake. We are missing the educational bit.

To me, education is a big factor, not just culturally appropriate education—I know that Aberdeenshire Council is doing some great work

with learning packs, and STEP has done some good work in the past—and not just the mobile education that bairns can take with them if they are shifted; there is also the issue of accessing education that will actually work.

Teachers do not have the first clue about the culture. I have heard from countless people that work has been done with teachers and that schools and education authorities are up to date on resources for training their teachers. However, that is not getting used. Teachers are completely in the dark when it comes to the Traveller community—they just do not know—and that is impacting on the bairns.

My girlfriend's mum is a teacher, and some Traveller bairns came to the school. At least she was able to sit down with me and ask about how the culture works and how this or that works before teaching those bairns. Normal teachers who do not have a connection to the community do not have that, they are being left in the dark and that is impacting on the bairns.

I have heard some horrendous stuff from teachers. At the end of the day, they are just people. Politicians are just people. It does not matter what level you get to: you do not get more interested in equality or more nice the higher up you go. We have seen that with Douglas Ross. There is a level, however, at which we are all people, and the issues need to be treated in the context of society when it comes to the teaching of the culture.

I would like you to hear a couple of things that teachers have said to me. I went to school when I was younger. I had lived on a camp for a long time, and it was the first school that I had been to in a wee while. My homework kept getting missed, month after month. My mum said, "There's something wrong here." She had thought that it was me not doing it, but I was. She was cracking to her friend about it, and the friend said, "Go crack to the teacher about it." My mum did that: she went to the teacher and asked, "What's happened with my son's work?" The teacher said, "Oh, I must have missed it."

Mum was cracking to her friend two weeks later, and the friend said, "Ye ken this, I heard something really horrible at the school gate yesterday." Mother asked, "Aye? What was it?" Her friend said that the teacher had come out and was talking about me to another mother. The teacher had said, "Why would I waste school resources on him? I know he's a Gypsy and he won't do anything with it anyway." That attitude is fully alive among teachers.

There was another teacher, at high school. I was not out as a Traveller at high school. We had to keep that quiet because of discrimination with

my dad getting work. That is another issue that people do not focus on that much: hidden Travellers at school. Anyway, the teacher was sitting there and we had a camp roll up. The teacher turned round and said to the whole class, "So, class, did you see the pikeys have moved in?" There is a level at which teachers are teaching that to bairns.

I have done surveys with first-year pupils, some of whom are 11 years of age. I noted some of the things that they said regarding Travellers. I recorded one of them saying,

"They're all scum."

They also said,

"Get rid of them,"

and

"They're given too much respect. Why do we need them as a society?"

I presented the whole write-up of that report and all of that data, as well as some other horrendous stuff, to the headteacher and to the local authority. Nothing has happened with that report. In fact, it has been shelved. If those comments were directed towards any other ethnic minority group, there would be uproar.

There is not a platform for young Travellers to access education right now. I would not be confident saying to my younger sisters or cousins, having been on a camp their whole life, that they should go to school. There is not the level of respect there—it does not exist. The experience that they would have would be so detrimental to them that I would say, "To be honest, don't bother."

We need transitional programmes, too, not just for kids going from primary to secondary as Travellers, but also for Travellers who have come from a camp and have never been to school before. They might be 16. That provision does not exist.

The environment of a camp or a site is very different from that of a school. Many of the exclusions of young Travellers take place because they do not understand that difference. They are getting punished for something that they do not even understand they are getting punished for. They do not understand how a school system works, because it is so different, and there is such a lack of knowledge around the culture.

That is a real issue, and I think that education needs to be looked at again.

**Roseanna McPhee:** I think that you need some role models. Look at the Scottish Parliament: how many Gypsy Travellers do you have? How many do you have employed? How many are on the Equality and Human Rights Commission? How

many are employed there? How many are on the Scottish Human Rights Commission? How many are employed there? Let us go through all the statistics. How many are employed at the BBC?

It comes back to what folk have been saying about employment. I met my non-Gypsy Traveller friends through work—they are all good friends and they used to come and see me in my caravan. If people are not working, they are isolated, because they do not have the money to socialise. Therefore, work has to be a key priority.

I used to work in an ancillary service at the jobcentre. The staff could not get me a job, so they put me in to teach all the people who could not read and write. I noticed that the ancillary service is far better for those people. Even the Gypsy Travellers came in. They wanted a job, but they did not want to sit and deal with bits of paper—they wanted to do something.

It is much better to place people in apprenticeships, to mentor them throughout and to get them into the workforce. It is far better for them to be working than to be claiming benefits. If they are dependent on the welfare state and social security for the rest of their lives, they will never prosper and they will never have good self-esteem, health and so on. The whole lot will save money—not just in benefits and support services, but in health services. While I was working planting trees, my diabetes was under control, with no need for tablets.

**The Convener:** We have drastically run out of time this morning. It obviously appears that the work of the committee is not done on this subject at all.

Jamie, you said that you would wish to have a private briefing. If there are any specific questions arising from that, I would be grateful if you could share them with the committee. Any learning that we can do, either as individuals or as a committee, helps us in our deliberations and our recommendations to Government. We are not finished with this issue. The committee's renewed focus on human rights gives us a different angle from which to look at it, with clear frameworks. That matter of frameworks aside—because we know where that is—there are a whole host of issues here: education, health, sites, planning and all those things that have still never been resolved, as well as some clear institutional racism that is going on. That is certainly of interest to the committee.

If you go away from here and think, "I should have said this," or "I should have told them that," please write to us and let us know. We will be grateful to have that information. We will probably speak to you again. As I say, this issue is not finished for us by any stretch of the imagination.



Next week the Scottish Government has a debate on the race equality framework. I have been reassured that there will be a whole section in that debate on Gypsy Travellers, in response to some of the work that has been done over the years. The debate on that will be next week, and the strategy is being launched in the morning, as far as I know. No doubt many of us will take part in that debate.

If you have specific points that you think we should be raising in the chamber on your behalf, I am sure that, as committee members, we would be happy to do that.

We are very grateful for your evidence this morning. Thank you so much for coming along. I know that some of you did not have your say, but I think that you have lots to say and, if you have a different way to say it, rather than coming to committee, we will be pleased to hear it.

Thank you so much, and the best of luck with everything that you are doing, because it really helps.

10:59

*Meeting continued in private until 11:32.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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