Gypsy Travellers in Contemporary Scotland

The 2001 'Inquiry into Gypsy Travellers and Public Sector Policies': Ten Years On.

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Empowering Scotland's Ethnic and Cultural Minority Communities

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INTRODUCTION

This study focuses on Gypsy/Travellers in contemporary Scotland. Ten years on from the 2001 Scottish Equal Opportunities Committee's "Inquiry into Gypsy/Travellers and Public Sector Policies", Scotland's Gypsy/Travellers community still faces numerous challenges. The 2001 Inquiry represented a milestone and a crucial step in Scottish politics in relation to Scotland's Gypsy/Travellers: the need for a coordinated approach to address the challenges faced by Scotland's oldest indigenous minority marked a political commitment to advance and build on support for gypsy Travellers. The year 2005 brought about a 'revision' of the 2001 Inquiry and offered a review of its progress and provided further recommendations.

The EU has been increasingly positing more focus on nomadic and travelling communities and 2008 marks the first mobilization of EU institutions, Member States and International organizations to address the challenges, the exclusion and the discrimination faced by the Roma people in Europe. As a consequence of the 2008 first Roma Summit, a plethora a policies and legislative instruments have been implemented across the EU to address the grave situation of the Roma people. Although the EU's focus rests on the Roma communities, the vigorous emphasis on tackling discrimination and exclusion of Europe's nomadic minorities is unequivocal. This sends a strong message to all Member States to address the failures of the ways existing national policies and politics in supporting the diverse nomadic and travellers minorities.

The post 2008 period has reinvigorated media and political attention to Roma and Gypsy/Travellers across the EU as well as in all Member States. Scotland is not an exception: a number of campaigns, an increased media coverage and several policies and legislative instruments have rendered the debate about Scottish Gypsy/Travellers very vibrant. However, whilst the decennial anniversary of the 2001 Scottish Equal Opportunities Committee's "Inquiry into Gypsy/Travellers and Public Sector Policies" has gone unnoticed, its promising and encouraging aura still resonate.

Scotland is experiencing exciting times on numerous levels; to date, its performance in matters of equality has achieved high standards in relation to other European contexts. Institutional support, political will, a vibrant and active third sector, and its diverse cultural and ethnic communities, make Scotland a country receptive for change, innovation and progress. This is a time of opportunities for the country to bring about real social, economic, cultural and ideological changes. The Equality Act 2010 marks a new beginning for the respect and protection of diversity, and this, in itself, is a chance to seize and take forward, it is a prospect for better times to come in terms of equality. The recent elections in the country represent an unparalleled opportunity for Scotland to foster change, innovation, growth and sustainability.

This study posits itself amidst this context; both the EU setting and the climate of change and innovation in Scotland function as backdrop to this study. Further, the 2001 EOC Inquiry and its sequel underpin the present work; more specifically, in mapping major Scottish policies and legislations pertaining to Scottish Gypsy/Travellers, this study – relating to the Inquiry's 37 recommendations – seeks to offer a contemporary analysis of the current situation in Scotland. It does so by prominently engaging with the voices of the Scottish Gypsy/Travellers community and with a number of diverse stakeholders.

There are a number of studies which specifically focus on Scottish Gypsy/Travellers from a variety of perspectives. There exist excellent academic works on Scottish Gypsy/Travellers; however, academic research still remains patchy and fairly scarce. On the contrary, over the years a large amount of literature has been written on this topic: grey literature and other research resources are abundant. There seems to be a sense that a lot has been said and written about Gypsy/Travellers in Scotland, but little action has been advanced. **This study seeks to depart from this trend: rather than producing new knowledge and aiming to expand the field of inquiry, it endeavours to review the situation and to suggest ways forward.**

Thus, this work is by no means exhaustive in its scope, nor it provides a review of existing literature on and about Gypsy/Travellers in Scotland. The key characteristic of this study is the direct engagement with the Scottish Gypsy/Travellers community and with relevant stakeholders. With reference to major policies and legislations in Scotland vis-à-vis Gypsy/Travellers, and by means of qualitative methods, this study proposes an account of the contemporary situation is Scotland as it is perceived by members of the Gypsy/Travellers community in Scotland.

The key aims of this work are:

- **To review the situation for Gypsy/Travellers in Scotland ten years on from the 2001 Scottish Equal Opportunities Committee's "Inquiry into Gypsy/Travellers and Public Sector Policies".**

Ten years on from the 'Inquiry', this study seeks to examine the current situation; it does so by making explicit reference to both the 2001 Inquiry's 37 recommendations (see Appendix 2) and to the subsequent 2005 Gypsy Traveller Strategic Group's report.

- **To enable representatives of the Scottish Gypsy/Travellers community to have their voices heard in relation to policy analysis and revision.**

While policy and decision makers have ample opportunities to engage in debates on these issues and to voice their views and concerns, the Gypsy/Travellers community – afflicted by a long history of discrimination – struggles to make its voice(s) heard. Often mis-represented by media and official discourses, the voice of Scotland's oldest ethnic minority group remains at the periphery of public debates. Using participatory research methods, this work directly engages with Scottish Gypsy/Travellers as active agents in setting the research agenda and in informing public debates salient to their community.

- **To deliver a set of recommendations that can serves as a stepping stone to commence a more holistic approach to policy revolving around Scottish Gypsy/Travellers.**

In the light of the fieldwork findings and the issues brought to the fore by Gypsy/Travellers themselves, this study endeavours to produce a set of recommendations which can be a valuable addition to both the 2001 and 2005 findings. Further, this study seeks to propose innovative ways of tackling the challenges faced by Gypsy/Travellers in Scotland and to put forward solutions to those factors that have hindered the progress of the 2001 Inquiry's plans. The findings of this work will be shared with the Scottish Government and with members of the Scottish Parliament. Indeed, a second phase of this study would entail a direct engagement with policy and decision makers with a view to initiating an inclusive debate.

METHODOLOGY

Research Aims:

As noted earlier, the main aims of this work are as follows:

- **To review the situation for Gypsy/Travellers in Scotland ten years on from the 2001 Scottish Equal Opportunities Committee's "Inquiry into Gypsy/Travellers and Public Sector Policies".**

- **To enable representatives of the Scottish Gypsy/Travellers community to have their voices heard in relation to policy analysis and revision.**

- **To deliver a set of recommendations that can serve as a stepping stone to commence a more holistic approach to policy revolving around Scottish Gypsy/Travellers.**

The present work is at once timely and significant: the urgent and grave situation affecting Gypsy/Travellers in Scotland has not improved over the years. Further, whilst academic research is conducted in the field of Scottish Gypsy/Travellers, policy has failed to engage with it and to take it into account.

Methods

The methodology of this research project has been primarily informed by "an interest in understanding the experience of other people and the meaning they make of that experience" (Seidman 1998:3). For this reason, a qualitative research method has been deployed. Indeed, the research aims to provide a scope for the respondents to reflect with the researcher on the overall research questions.

The methods used in this study are:

- **policy/legislation review**
- **Semi-structured and Unstructured interviews**
- **Focus Groups**

The fieldwork was carried out to elicit responses from and collect views of members of the Scottish Gypsy/Travellers community as well as a number of stakeholders whose work directly affects the lives of Scottish travelling communities. Since paramount importance has been given to recording Gypsy/Travellers' views and reviewing the current situation in Scotland, this study has focused the scope on those who have limited opportunities to voice their experiences and concerns. Politicians, policy makers and other decision makers at government level were not included at this stage: the present study aims to review the current situation of Scottish Gypsy/Travellers and to produce a set of recommendations that will initiate further debates. Indeed, a second stage of this study will entail a direct engagement with decision makers and will seek politicians' views on the findings.

A) Policy/Legislation Review

This process entailed a mapping of the contemporary Scottish context in relation to

Gypsy/Travellers. The study provides an outline of major policies which affect Gypsy/Travellers in Scotland. Also, a brief overview of key UK and EU policies functions as backdrop to the Scottish contexts and serves to contextualize the scope of this study. It also includes an outline of the legislative framework which directly affects Gypsy/Travellers in Scotland. Both involved a set of library and web based research. A selection of major theoretical scholarly texts have been deployed in order to address the ways in which the failure to understand Gypsy/Travellers' culture has led to the formulation and implementation of inadequate and unsuccessful policies.

B) Interviews

For this study, a total of 12 interviews were conducted. Mason (2002) claims it is useful to "use qualitative interviewing as one of several methods to explore your research questions" (2002: 66). Unlike a questionnaire, interviews help balancing the asymmetry of power and are an opportunity to voice one's concerns. Secondly, they allow for the emerging of unexpected themes and issues. Semi-structured interviews with service providers were deployed to complement the literature mapping. These served to allow directed interested parties to reflect upon and feedback on the general situation as well as on the ways the current policy and legislative frameworks affect them. Unstructured interviews with Gypsy/Travellers were also employed to enhance the participatory nature of this study; further this method was more enabling for those interviewees who were more hesitant to engage with a set of questions.

A first group of interviewees was constituted by Gypsy/Travellers (5 among women and 1 man); though equal numbers between men and women would have been best, work patters for Gypsy/Travellers men did not allow this to occur. Further, due to culturally related matters, interviews with women were held in their homes during hours when men were most likely to be away due to work commitments. This allowed them to talk more freely about matters such as health, and domestic issues. As Rapley (2007) noted, "[it] is crucial that the researcher takes account of his or her own and the interviewee's social location and how they might affect the research relationship" (2007:233). In order to so, it is important to make the respondent feel as comfortable as possible by meeting him/her in a place he knows. Also, as Seidman (1998) recommends that "in considering the time, dates and place of interviews the prevailing principle must be equity" (1998:43)

The interviewees were from a diverse range of socio-economic contexts (working and middle class), ethnic backgrounds (Romanichal, Gypsy, Traveller), geographical areas in Scotland (Ayrshire, Central Belt, Perthshire, Newmains) and lived in different types of accommodations (owned houses, rented houses, trailers in halt sites and council sites).

A second group of interviewees was constituted by other stakeholders involved in Gypsy/Travellers matters in Scotland, namely: ACPOS (The Association of Chief Police Officers in Scotland); EHRC (Equality and Human Rights Commission); ARTICLE 12 (Rights Group in support of young Gypsy/Travellers); STEP (Scottish Traveller Education Programme), SGTLRC (Scottish *Gypsy Traveller Law Reform Coalition*); Academic working in this field. The interviews were held in locations convenient to both the researcher and the interviewees; respectively: cafeteria in the Scottish Police College (Tulliallan); EHRC central offices in Glasgow; STEP's offices, University of Edinburgh; town centre Perth; Academic's office, University of Strathclyde. As for Seidman's (1998) principle of "sufficiency" (1998:47), sampling was realized when a full array of views has been collected.

C) Focus Groups

Two focus groups were conducted for this research.

The first focus group was constituted by 6 managers of Gypsy/Travellers' sites, and 1 Gypsy/Travellers Liaison Officer. Often employed by the City Councils, site managers and liaison officers are the first points of contact with Gypsy/Travellers site occupants. They hold a crucial position in relation to Gypsy/Travellers, authorities and the broader 'settled' civic society. Site managers were selected from a very wide range of areas across Scotland to ensure variety as well as to engage with diverse contexts (council sites and unauthorized encampments). The areas covered between the site managers and the liaison officer are the following:

North Ayrshire,
South Ayrshire,
East and Mid Lothian,
North Lanarkshire,
Stirling and Clackmannan,
Falkirk,
Dumfries and Galloway.

Access was secured through a leading figure among the Scottish Gypsy/Travellers community, with extensive experience of working at community level. The focus group was held at BEMIS offices; this was deemed by participants as a central location to be able to host all attendees (1 hour and 45 minutes focus group).

The second focus group was constituted by 10 young Gypsy Traveller girls, all attending the South Lanarkshire's *Gypsy Traveller Creative Learning Group at Universal Connections*, Larkhall. The focus group was held on Universal Connections' premises to ensure the safety and comfort of the attendees. The group was composed of pupils with diverse socio-economic backgrounds, who lived in diverse accommodation settings (rented/owned house, chalet, trailer in council site, trailer in unauthorized encampment), and who came from different parts of both Scotland and England.

Structure of the report:

This report intended to review the progress and the steps that local authorities and public bodies took following the Scottish Equal Opportunities Committee Inquiry in 2001. Based on interviews with Gypsy/Travellers and stakeholders working with Gypsy/Travellers, this study provides an overview of the good practices and progress being made following the 37 recommendations (Scottish Parliament 2001). The report concludes with set of recommendations which can be enhanced and progressed in support of both policy makers and the Gypsy Travellers community.

A breakdown of each chapter is given below:

Chapter 1 – Europe and the UK review of major policies and legislation provides a legal framework relating to Roma/Gypsy/Travellers in Europe as well as the UK.

Chapter 2 - Provides an introduction to the concept of travelling in the

Gypsy/Travellers culture. In addition, it outlines the issues related to recognition of ethnic status of the Scottish Gypsy/Travellers under the Race Relation Act 1976. It gives an overview of Gypsy/Travellers population in Scotland and reviews policies on Gypsy/Travellers in Scotland between the Equal Opportunity Inquiry 2001 and the Race Equality Statement 2008.

Chapters 3 - 7 - Through the analysis of interviews with Gypsy/Travellers and stakeholders working with Gypsy/Travellers, the chapters reflects on the progress achieved in implementation of the 37 recommendation in area of legal recognition of Gypsy/Travellers ethnicity (Chapter 3), accommodation (Chapter 4), education (Chapter 5), health (chapter 6) and equal opportunities and discrimination (Chapter 7).

Chapter 8: Provides a snapshot summary developments and Scottish research with regards to Gypsy/Travellers in Scotland

Chapter 9: This report will conclude with a substantive summary reflecting on the context and content of the report and will provide a set of recommendations (which are linked to discussions throughout the report) for further studies, actions and proposed progress.

Chapter 1: Europe: Review Of Major Policies and Legislations

The European policy and legislative context relating to Roma/Gypsy/Travellers features a wealth of documents, resources and instruments. Serving as a backdrop to the Scottish context, this section offers a rather concise overview **(from 2008 onwards)** of the main European bodies and their activities pertaining to Roma/Gypsy/Travellers.

The year 2008, besides providing a useful focus for this review, serves as a crucial milestone for international commitment to Roma/Gypsy/Travellers. In fact, on 2 July 2008 the European Commission published a Communication on "Non-discrimination and equal opportunities: A renewed commitment" which highlighted that the tools to advancing the social inclusion of the Roma have to be applied in a better way (COM(2004)420). Since July 2008 the Council, the European Parliament and the Commission have addressed this issue (SEC(2010)400).

The First European Roma Summit (September 2008):
The First European Roma Summit in September 2008 served to mobilise the EU institutions, Member States and international organisations to outline ways in which lessons learned can be used to make existing instruments and policies more effective. It further emphasised the importance of addressing the Roma issue to overcome exclusion-related problems. The Equal Opportunities Commissioner Vladimir Špidla noted that the situation of the Roma is a stain on Europe's conscience (Europa Press Release IP/08/1326)[1] The Summit provided the first opportunity for organisations representing the Roma community to discuss their situation at the European level.

The General Affairs Council, in December 2009: the General Affairs Council stressed the necessity to protect all minorities in candidate countries and drew attention to the fact that the Roma minorities consistently face discrimination, exclusion and dwell in disadvantaged communities.

The European Parliament – in March 2009 – raised key challenges faced by the EU to tackle Roma exclusion and discrimination. The European Parliament's resolution in March 2009 identified three main goals to be achieved: increasing economic opportunities for the Roma, building human capital, and strengthening social capital and community development (European Commission 2010)[2]: the resolution requested a coordinated approach among member states to improve working and living conditions of Roma within the community. It also identified 3 main objectives: "increasing economic opportunities for the Roma, building human capital, and strengthening social capital and community development." (SEC(2010)400: 6)

The European Platform for Roma Inclusion was the most important development since 2008: the General Affairs Council initiates establishing a platform that would allow an exchange of good practices and experiences between the Member States in the sphere of inclusion of the Roma communities. In addition, the platform would provide analytical support and cooperation between all parties concerned by Roma issues, including the organisations representing Roma, in the context of an integrated European Platform (General Affairs Council, 2008). The General Affairs Council initiative resulted in launching the **European Platform for Roma Inclusion in April 2009**. It was designed as an open and flexible environment for diverse EU institutions, national governments, international

1. For further details see: http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1326&type=HTML
2. European Commission Staff Working Document: http://www.statewatch.org/news/2010/apr/eu-com-roma-inclusion-sec-400-10.pdf

organisations, NGOs and experts to interact and formulate strategic advice for decision-makers on the effective inclusion of Roma aspects into European and national policies (Europa MEMO/09/193:1)[3].

> the rationale behind this platform is "*an exchange of good practice and experience between the Member States in the sphere of inclusion of the Roma, provide analytical support and stimulate cooperation between all parties concerned by Roma issues, including the organisations representing Roma, in the context of an integrated European Platform*". (General Affairs Council, 8th December 2008).

The framework of the Platform elaborated 10 Common Basic Principles on Roma inclusion which aim at guiding the EU institutions and Member States, candidate and potential candidate countries when they design and implement new policies or activities. They represent a legally non-binding declaration. However, by referring to the Principles in the Council conclusions, Member States have shown their commitment to base future initiatives on these principles. **The 10 Common Basic Principles on Roma Inclusion are:**

1. Constructive, pragmatic and non-discriminatory policies
2. Explicit but not exclusive targeting
3. Inter-cultural approach
4. Aiming for the mainstream
5. Awareness of the gender dimension
6. Transfer of evidence-based policies
7. Use of Community instruments
8. Involvement of regional and local authorities
9. Involvement of civil society
10. Active participation of the Roma

These principles indicate that the final goal must be the inclusion of Roma into society through the use of existing EU instruments, involvement of local actors and the participation of Roma themselves. Therefore, there is a need for greater inclusion of Roma people into mainstream education, employment and housing but arguably, the main challenge remain within policies which tend to aggravate or continue social exclusion and persistent segregation of the Roma communities (MEMO/09/193)[4]

European Council conclusions on advancing Roma Inclusion (Luxembourg, 7 June 2010): the European Council's Conclusions on Advancing Roma Inclusion highlight the need of the Member States to use more effectively already existing policies and instruments to advance the social and economic integration of Roma within existing framework of the decisions and recommendations made by the EU institutions. The conclusions also stress the requirement to encourage active and cooperative involvement of both civil society and Roma organisations with relevant European and local institutions. Active involvement of these organisations should then ensure that existing EU financial instruments (in particular European Social Funds and European Funds for Regional Development) are accessible to Roma and have an effective impact on supporting Roma communities in both rural and urban areas, improving their housing conditions and tackling desegregation, among others:

3. For further details see: http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/193&type=HTML
4. For further details see: http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/193&type=HTML

The *EC invites* the Commission and the Member States, in close cooperation, and in accordance with their respective competences:

"-To advance the social and economic integration of Roma within the framework of the decisions and recommendations made by the EU institutions, including the Council Conclusions of 8 December 2008 and of 8 June 2009, by ensuring the more effective use of existing policies and instruments; To make progress in mainstreaming Roma issues into European and national policies … Mainstreaming should be undertaken in the fields of fundamental rights, gender equality, personal security and protection against discrimination, poverty and social exclusion, regional cohesion and economic development, as well as in other fields that are key to the active inclusion of Roma, such as ensuring access to education, housing, health, employment, social services, justice, sports and culture, and also in the EU's relations with third countries;

-To ensure the active involvement of civil society, including Roma organisations as well as other relevant institutions such as the Committee of the Regions, in cooperation with international organisations and, where appropriate, organisations representing local interests, in the work of the Platform;

-To ensure that existing EU financial instruments and especially the Structural Funds are accessible to Roma, and that those funds tackling Roma needs have an effective impact;

-To take full advantage of the opportunities offered by the amendment of Article 7 of Regulation 1080/2006/EC by initiating appropriate integrated actions for the support of Roma communities in both rural and urban areas, with a view to the improvement of housing conditions and desegregation;

-To address the specific needs of Roma women and girls and to apply a gender perspective in all policies and actions for advancing Roma inclusion;

-To advance the full inclusion of Roma by guaranteeing their legal rights, including by means of ensuring the protection of Roma victims of human trafficking, in accordance with existing European law" (Council of Europe Union 2010: 4-5)

The EU Structural Funds (European Social Fund – ESF, and European Fund for Regional Development – ERDF) and the European Agricultural Fund for Rural Development – EAFRD represent with approx. 50 billion €/year an important part of the European Union budget. All three funds can be used to address the specific problems of Roma communities and to promote their social inclusion.

- **ESF** European Social Funds have a stronger focus on Roma.

- **EFRD** European Funds for Regional Development. An amendment on 9 February 2010 allows interventions on "housing for marginalised communities in urban and in rural areas. The intervention may include renovation and replacement of existing houses. […] the intervention should not focus exclusively on housing, but include actions also in other relevant fields, such as *e.g.* education, health, social inclusion, employment, de-segregation". (Council of Europe 2010: 25)

Communication from the commission to the council, the European parliament, the European economic and social committee and the committee of the regions The

social and economic integration of the Roma (**COM/2010/0133)**
The main focus of this document is that "The European Union needs to build on the strong mobilization in the EU institutions, Member States and international organizations and within civil society in support of the better social and economic integration of Roma". Further, it sets to take the further actions:

- urge Member States to take action to ensure that interventions financed by Structural Funds promote equal opportunities and tackle segregation;

- encourage Member States to use the EURoma network to exchange best practices;

- support a network on Roma studies to better link research and policy;

- encourage Member States to develop appropriate tools and methods for evaluation as a prerequisite for designing evidence based policies for Roma inclusion, on the basis of lessons learned inter alia through the evaluation of the Pilot Project on Roma Inclusion;

- reinforce coordination between the ERDF, ESF and the EAFRD[17], in particular at the regional and local level, when using the funds, for the purpose of promoting and facilitating an integrated approach in housing (in line with the provisions of the modified Art 7 (2) of the ERDF Regulation) or in other fields;

- provide information and technical support to Member States on the efficient use of the Structural Funds and of the Rural Development Fund in tackling socioeconomic exclusion of the Roma;

- take account of the results of the evaluation of the EU Structural Funds interventions for Roma, of the Pilot Project on Roma inclusion, and of the study on successful projects, programs and policies for Roma inclusion when developing the next generation of European Union Structural Funds and programs;

- address the inclusion of Roma when developing and implementing the 'European Platform against Poverty' Flagship Initiative, proposed by the Commission as part of the EU 2020 Strategy;

- invite Member States to address Roma issues when reporting on the implementation of national policies in all fields which are relevant for Roma inclusion (such as education, employment, social protection and social inclusion, and health) in the framework of the Open Method of Coordination and of the EU2020 Strategy. The Commission will integrate a specific employment-related focus on Roma into the Mutual Learning Programme 2010-2011." (European Commission 2010: 8-9)

1. 1 Member States' Progress

There have been various initiatives of Multilateral Cooperation among Members States to exchange good practice aiming at a cohesive approach to advancing policies addressing Roma issues throughout Europe, and to exchange experience and mutual learning.

- The **Decade of Roma Inclusion 2005-2015** is a political commitment by European Governments to improve the socio-economic status and social inclusion of Roma. The Decade brings together governments, intergovernmental and nongovernmental organizations, as well as Romani civil society, to improve the welfare of Roma. The twelve countries currently taking part in the Decade are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain. **The United Kingdom is not included.** The Decades adopts an inclusive approach in attempting to bridge the gap in socio-economic terms between Roma and non-Roma. Central to the Decades is the ROMA EDUCATION FUND (REF) in order to expand the educational opportunities for Roma communities.

- The **European Network on Social Inclusion and Roma under the Structural Funds (EURoma) EURoma, a Network made up of representatives of twelve Member States**: Bulgaria, the Czech Republic, Finland, Greece, Italy, Hungary, Poland, Portugal, Romania, Spain, Slovakia and Sweden. **[Again, the United Kingdom does not figure]. EURoma is determined to promote the use of Structural Funds (SF) to enhance the effectiveness of policies targeting the Roma and to promote their social inclusion.** The Commission repeatedly underlines that it is essential that the Structural Funds are used to support initiatives for Roma inclusion at national level, such as the action plans drawn up in connection [sic] with the Decade for Roma Inclusion 2005-2015 and create synergies.

- The **ROMA-NET** network, under the URBACT programme (**URBACT** is a European exchange and learning programme promoting sustainable urban development. **ROMA-NET** has the main objective to establish a trans-national exchange programme which would facilitate transfer of policy, planning and good practices, as well as provide capacity building for professional development on the issue of integration of Roma population. The transnational exchange programme will assist partner organisation to develop Local Action Plans. The network consists of 5 cities and is considered for enlargement up to 8 partners.

- **EQUINET –** the network of specialised Equality Bodies in the EU adopted in 2009 an action plan on Roma discrimination which aims at improving the cooperation of its members with a view to identify and disseminate good practice and exchange information on most frequent cases of Roma discrimination

Further, the document **The situation of Roma in France and in Europe** (Joint Information Note by Vice-President Viviane Reding, Commissioner László Andor and Commissioner Cecilia Malmström - 1 September 2010) provides a useful overview of the situation in Europe. Besides identifying proposals for future actions on Roma in Europe, reports on action taken – to date - by the EU Member States to improve the situation of Roma in Europe. Paragraph 40 reads as follows:
“In addition, while fully respecting Member States’ primary competence in this field, the EU institutions have made available substantial funding under the EU Funds to support and complement Member States’ actions on Roma integration:

- Of the 27 Member States, 12 Member States (Bulgaria, the Czech Republic, Spain, Finland, Greece, Hungary, Ireland, Italy, Poland, Romania, Slovenia and Slovakia) have support programmes in place targeting Roma (among

other vulnerable groups) for a total budget of €17.5 billion (including €13.3 billion from the **European Social Fund**). This represents 27% of their total European Social Fund budget.[5] Examples of projects for the 2000-2006 and 2007-2013 European Social Fund operational programmes include grassroots interventions on the employment of Roma and the development of a new curriculum of Roma studies in schools.

- Several programmed actions or project selection rules ensure that Roma benefit from the European Agricultural Fund for Rural Development support.
- In May 20I0, following a proposal from the Commission, the European Regional Development Fund Regulation has been amended to facilitate submissions for EU funding for projects to help marginalised groups, such as Roma, in the field of housing" (Joint Information Note by Vice-President Viviane Reding, Commissioner László Andor and Commissioner Cecilia Malmström 2010: 7-8).

In relation to the above, it is interesting to note that the Commission Staff Working Document: **Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010** investigates Member States' progress and activities on these matters and offers replies and reports on the advancement made in members states since 2008. **Among the 21 of 27 Member States which contributed to the report, the UK does not figure.** (SEC(2010)400)

1.2 Progress in the UK

Following from the EU members states strategy to make the Union a more dynamic and knowledge based economy (European Council 2000), the UK set out the National Action Plan (NAP) for 2008-2010. **Working Together: UK National Action Plan on Social Inclusion (DWP 2008)** was designed to outline positions and plans of Member States' governments to tackle poverty and increase social inclusion. The 2008 report is in effect an engagement with a wide range of stakeholders, including people experiencing poverty, the voluntary and community sector, and devolved and local governments. However, in terms of Gypsy/Travellers, the report offers only short section which emphasises the need of partnership working across Government toward the inclusion of the Gypsy, Roma and Traveller communities:

Paragraph 132 of the document states that:

"The cross Government group on Gypsy, Roma and Traveller (GRT) issues encourages joint working across Government and highlights specific issues which could best be addressed by that approach (DWP 2008: 45). Initiatives include:

- a seminar attended by representatives of the GRT, the voluntary and community sector and key government departments to look at issues preventing the economic inclusion of GRT;

- work with Government Offices for the Regions to ensure that GRT issues are included in Local Area Agreements where necessary;

5. In Hungary and Romania, Roma are potential beneficiaries in more than 50% of the planned ESF interventions, while in Ireland, Travellers are a potential target of 99.5% of the planned ESF supported activities for 2007-2013. Czech Republic, Poland, Romania, Slovakia, and Spain have dedicated €172 million for activities aimed solely at Roma.

- in 2008, the Government endorsed the plan to hold a national Gypsy, Roma and Traveller History Month. The first took place in June 2008. The aim of the month is to: explain the history, culture and language of the communities and try to encourage schools to include GRT issues in the curriculum for all pupils; challenge the myths and stereotypes and break down barriers; and celebrate the richness that these communities bring to everyday life." (DWO 2008: 44).

The Council of Europe's **Third report submitted by the United Kingdom pursuant to article 25, paragraph 1 of the framework convention for the protection of national minorities** (ACFC/SR/III(2010)003) provides a detailed overview of Gypsy/Travellers situation across the UK. It gives a list of measures taken to improve the implementation of EU-wide resolutions for the protection of national minorities and also highlights laws and institutional frameworks it has in place to combat discrimination and promote equality. Interestingly, unlike the DWA Plan mentioned above, the report includes an overview not only of the UK itself but also of the devolved governments of Wales, Scotland and Northern Ireland. It provides an overview of Gypsy/Travellers position in relation to a range of areas including employment, health, legal aid, hate, racist and religious crime, education, participation in economic and public life, and electoral representation (Council of Europe 2010).

It is interesting to note here the Cross-Government Hate Crime Action Plan (HCAP), launched on14th September 2009 by the Home Office. The plan focuses on "four areas where there is a need for a special response in order to build confidence among the victims of hate crime and improve the service:

- ✓ Gypsy and Traveller communities
- ✓ Asylum and refugee communities
- ✓ Transgender victims of hate crime
- ✓ Disability victims particularly (Home Office 2009: 12)

Particular communities appear to be disproportionately affected by hate crime and that the hate crime affecting these communities has received less attention and intervention in the past (Home Office 2009: 12)

The Equality Act 2010 forms a framework for anti-discrimination law in the UK. The equality legislation is reserved matter for the UK Parliament. However, it should be emphasised that Under the Scotland Act 1998, the Scottish Parliament holds devolved powers including education, housing, health, therefore the legislative framework of those areas with relation to Gypsy/Travellers can be outlined in chapter concerning the Scottish case.

Chapter 2: THE CASE OF SCOTLAND

2.1 Gypsy/Travellers and Identity

According to Liegeois's typology (1995) the term "gypsy" is "used to denote ethnic groups formed by the dispersal of commercial, nomadic and other groups from within India from the tenth century, and their mixing with European and other groups during their Diaspora" (1995: 6). The term "Traveller", instead, refers to "a member of any of the (predominantly) indigenous European ethnic groups [...] whose culture is characterized, inter-alia, by self-employment, occupational fluidity, and nomadism. These groups have been influenced, to a greater or lesser degree, by ethnic groups of (predominantly) Indian origin with a similar cultural base" (Kenrick and Clark 1999: 58).

However, despite these categories, Clark asserts that "objectively we can say that contemporary Scottish Gypsy/Travellers in Scotland are part of a nomadic community that has endured for centuries throughout the whole of Scotland" (2006: 55). Indeed, according to Kenrick and Clark (1999), "Scottish Travellers are a nomadic group which was formed in Scotland in the period between the sixteenth and nineteenth centuries. This group was constituted from intermarriage as well as social integration between immigrant Romanies, mainly from France and Spain, as well as local nomadic craftsmen" (1999: 20). Further, Clark (2006) argues that at various stages in Scottish history, dispossessed labourers and other marginalised people may have complemented the original Scottish nomadic. Hence, he argues that "it is true that Scottish Gypsy/Travellers are quite distinct from recent Roma arrivals in Scotland, via government asylum dispersal schemes for example, because they are an indigenous nomadic group. While this may make this group seems less 'exotic' than Roma, in a racialised discourse, it does not make them any less distinct from the settled population" (2006: 53).

Moreover, McKinney (2003) concurs with Kenrick and Clark (1999) when she asserts that it is no longer possible to distinguish Indigenous Travellers and Gypsies as two distinct and exclusive categories after centuries of interactions. She notes that "intermarriage, the practicalities of life on the road, and the shared experiences of persecution and marginalisation by the settled majority, have meant that families have become interconnected. It is also likely that people travelling for vocational reasons and some that have been alienated from settled life have become incorporated under the wider Gypsy/Traveller umbrella" (2003: 53). Although the composition of Gypsy/Travellers in Scotland is complex and heterogeneous, Shubin (2010) maintains that they "do share some common characteristics. Cross disciplinary studies on traditional Gypsy culture stress independence, travel, preference for self-employment, occupational flexibility, and extended family networks as important cultural values" (2010: 920).

According to Shubin (2010), these common features persist despite the adverse social, political and institutional constraints which have compelled many Gypsy/Travellers to "settle" and limit their travelling to a few weeks per year. Thus, he asserts that "the romanticised notion of a Gypsy Traveller freely roaming the countryside persists only in peoples' imaginations; the reality is that many now live in grim government encampments on the outskirts of urban areas. Many others have integrated into dominant settled society, particularly so their children can receive better educations" (2010: 921). He also notes the diversity amongst Scottish Gypsy/Travellers both in terms of wealth (home ownership as opposed to council houses and encampment) as well as travelling habits and style (year-

round travelling to permanently settled). However, “a nomadic way of life or, at least, an aspiration to travel continues to be an important cultural value” (2010: 921).

Kenrick and Clark (1999) note that during the twelfth century, the status of Gypsy Travelling people in Scotland was relatively high as potential employers considered them as valuable artisans with much to offer (1999: 51). However, we are reminded by Turbett (2009) that in today as in recent history, “Scottish Gypsy/Travellers are so marginalised a community in Scotland that their lack of rights and basic human dignity is almost taken as read amongst the settled population” (2009: 1). Further, Mckinney (2003) argues that the suggestions of current research and the contemporary debate around ethnicity and the position of Gypsies and Travellers reveal “a gap between Scottish political rhetoric, which prioritises pluralism and multiculturalism and the conceptual understandings which underpin this rhetoric and help to generate informed policy. Until these conceptual understandings adapt, it is arguable that governmental practice toward minority ethnic communities, including Gypsy/Travellers, will remain tokenistic at best” (2003: 22-3).

2.2 Understanding Travelling

The longstanding failure to engage with and understand Gypsy/Travellers’ culture, derives from widespread and fortified misconceptions that sedentary communities hold about ‘travelling’. Kenrisk and Clark (1999) argue that “nomadism is a state of mind rather than a state of action” (Kenrick and Clark 1999: 29). In addition, Kenrick and Clark (1999) explain that travelling must not be conceived in relation to the stereotypical and romanticized view of Gypsies characterized by shiftlessness and irrationality. Rather, travelling “illustrates the continuing commitment of most Scottish Gypsy/Travellers to an ideology and practice of nomadism, despite the legal difficulties attached to travel and movement in Britain and Scotland for them as an ethnic group […] This psychological aspect of nomadic identity remains a key element in Scottish Gypsy/Traveller ethnicity” (Kenrick and Clark 1999:58)

Whilst ‘Travelling’ marks a crucial part of Gypsy/Travellers’ cultural heritage and separates it from the ‘settled’ community, it must be noted that ‘travelling’ goes beyond corporeal travel: “nomadism signifies a way of thinking about the world as much as a way of living through it” (Shubin 2010: 921). Indeed, Gypsy/Travellers’ movement is nourished by “emotional affiliations”, “particularly towards important social functions, such as weddings, births, funerals, and religious festivals. Even if acknowledged as a part of ‘‘nomadic subjectivities” (Radway 1988), the emotional elements and symbols of mobility (e.g., caravans, traditional stopping places, signs at crossroads) are often discursively separated from understandings of travel accepted in academic literature” (Shunin 2010: 921).

As Shubin (2010) maintains, the “mobility of Gypsy/Travellers involves the transmission of objects, expressions of support, the creation of landscapes of memories, as well as physical and emotional returns to particular places”(2010: 921). The emotional dimension of travelling is central to Scottish Gypsy/Travellers’ lives: “family and friendship” are conceived in spatialised terms. Mobility for Scottish Gypsy/Travellers is symbolic; it is part of an idea of “travel”, as Shubin (2010) argues. “Symbolic movement brings together geographic and imagined dimensions of ‘‘travel” for Scottish Gypsy Travellers” (2010: 921). For instance, the act of “telling the tales and singing ‘‘moving” songs is not only related to physical travel, but also to being on the move. The idea of ‘‘travel” in this case also describes an act of coming together, an expression of expectations that can ‘‘move” a Traveller into places he/she didn’t exactly ‘‘intend” to go” (2010:922).

In brief, Travelling is a state of mind, it is a fluid and transformative concept which involves "anticipating movement and adapting to changing living conditions with the possibility of travel in mind. These emotional, symbolic and imagined aspects that accompany the physical movement of Travellers are reflected in maintaining the travelling 'atmosphere' and customs through religious meetings and festivals, which have taken the place of traditional Gypsy Traveller gatherings**.** These mobile religious events (e.g., annual Missions organised in different locations) provide opportunities for transformation through self-transcendence, meditation, spirituality and escape from the immediate environment of social marginalisation. They bring together physical and emotional dimensions of movement at a subconscious level" (Shubin 2010: 922).

'Travelling' for Gypsy and Travellers goes beyond corporeal and physical displacement; it acquires metaphorical and emotional dimensions. Mobility in nomadic terms has to be understood outside the framework of sedentary discourses. The itinerant practices of Scottish Gypsy/Travellers challenge acknowledged accounts of mobility, thus remaining misunderstood, essentialised and often ignored.

2.3 Ethnicity

Based on cultural characteristics of the Scottish Gypsy/Travellers such as travelling, language, tradition and religion, the term 'ethnicity' is used to explain the group distinctiveness from settled communities in Scotland (Reid 1997, Kenrick and Clark 1999). Clark (2006) argued that the Scottish Gypsy/Travellers fulfil the two essential requirements for recognition as distinct ethnic group: 1) they have long shared history and 2) have long cultural tradition on their own (Clark 2006:50). However, some argued that the ethnicity of the Scottish Gypsy/Travellers can be questioned and put into debate. The issues and controversies of recognition of the Scottish Gypsy/Travellers as distinct ethnic group highlight the fact that ethnicity is increasingly being seen as a fluid and heterogenic concept and this raises the challenge in policy implementations (Gilroy 2000).Therefore, recognition of the Scottish Gypsy/Travellers ethnicity as protective legitimacy may be difficult to reconcile (McKinney, 2003).

The socio, political and economic disadvantages of the Scottish Gypsy/Travellers are often explained by regular discrimination against this community (Clark 1999, Dawson 2002). The discourse on the Scottish Gypsy/Travellers is much similar to the racialised discourse where race and ethnicity are used to explain prejudice and discrimination against the group. The policy and practice towards the Scottish Gypsy/Travellers in Scotland have been influenced by media that sees Gypsy Travellers as 'other' community that is committed to separate travelling life style. This often leads to the assumption that Gypsy/Traveller lifestyle is a form of avoidance or denial of responsibilities that are coming with citizenship. As such distinctiveness of the Scottish Gypsy/Travellers community can be recognized as not distinct culture but as social underclass or deviant subculture (Clark 2006).

The Inquiry into Gypsy Travellers Public Sector Policies (2001) has raised the debate on legal recognition of the Scottish Gypsy/Travellers as an ethnic minority group. The second recommendation made by the Scottish Parliament (Scottish Parliament 2001) in the response to the Equal Opportunity Committee inquiry (2001) stated:

> All legislation and policies be framed on the understanding that Gypsy Travellers have distinct ethnic characteristics and should therefore be

> regarded as an ethnic group, until such time as a court decision is made on recognition as racial group under the Race Relation Act 1976 (Scottish Parliament 2001: 7)

Lack of recognition of the Scottish Gypsy/Travellers ethnicity as a protective or legitimating label under the Race Relation Act 1976 had a long history in Scotland (Clark 2006, McKinney 2003). While the English Romani Gypsies and the Irish Travellers have been recognised as distinct ethnic group and protected by the Race Relation Act 1976 (as amended 2000), the Scottish Gypsy Travellers were not protected until 2008. McKinney (2003) argues that debates around recognition of the Scottish Gypsy/Travellers ethnicity revealed the gap between Scottish political rhetoric that emphasise plurality and equality for diversity[6] and government practice.

2008 represented an important year for Scottish Gypsy Traveller, when they were recognized by the law as an ethnic minority; indeed, a judgment in relation to an employment tribunal (K. MacLennan Vs Gypsy Traveller Education and Information Project) concluded that 'Scottish Gypsy/Travellers is a group which can be defined by reference to its ethnic origins and therefore can be afforded the protection offered by section 2(1)(d) of the Race Relations Act 1976'. It must be noted that Scottish Gypsy/Travellers inhabit an anomalous position in relation to Irish Travellers and Gypsies who are subject to the protection of the Race Relations Acts under English case law (though being influential in Scotland, this is not binding).

The Scottish Government's *Race Equality Statement* (8 December 2009) prescribes that Gypsies/Travellers are a 'particularly discriminated against and marginalised group'. Gypsy/Travellers are included in a number of sections of the Race Equality Statement such as: 'Improved opportunities; More responsive communities; Safer communities; More active and vibrant communities'. Further, the Race Equality Statement refers to The Race, Religion & Refugee Integration funding stream which provides around £2m per year to support work relating to the strategic objectives and national outcomes of the Scottish Government; this consist of various projects, 'including the Gypsy/Travellers Education and Information project with a remit to provide advice services and improve the lives of Gypsy/Traveller communities'. Finally, a paragraph of the Race Equality Statement refers to the following: 'education strategy for Gypsies/Travellers, including Travelling Showpeople, provide funding for transit sites, support community development work with Gypsy Traveller communities aimed at laying the ground work for the eventual emergence of representative bodies for the communities, and develop further engagement work with young Gypsies/Travellers'.

Furthermore, as documented in the Council of Europe's Third report submitted by the United Kingdom pursuant to article 25, paragraph 1 of the framework convention for the protection of national minorities (ACFC/SR/III(2010)003) the forthcoming Scotland CENSUS (March 2011) has specifically introduced in the ethnicity question the category for 'Gypsy/Traveller'.

2.4 The population of Gypsy/Travellers in Scotland.

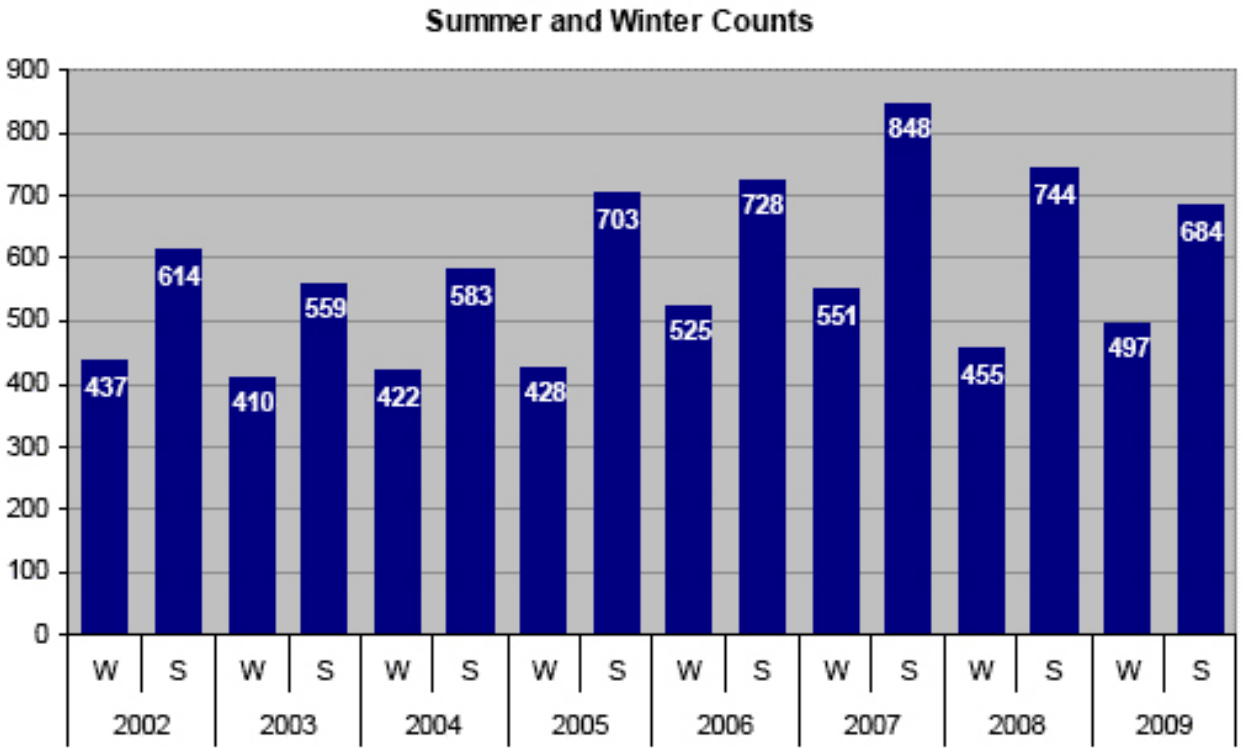
In July 1998, the Scottish Executive introduced a series of the Twice Yearly Counts of Gypsy/Travellers in Scotland (undertaken in January and July) to provide more accurate

6. See Scottish Government initiative called One Scotland Many Cultures: http://www.scotland.gov.uk/News/Releases/2007/01/26113250

records of Gypsy/Travellers population in Scotland. The Count is based on an estimate of the number of Gypsy/Traveller households living on:

- Councils or Registered Social Landlords sides (RSLs);
- Privately owned sites;
- Unauthorised encampments.

Figure 1: Gypsy/ Traveller households 2002-2009



Source: Review of Twice Yearly Count of Gypsies/Travellers in Scotland 2002- 2009

According to the Count, in 2009, there were 684 Gypsy/Traveller households living on Council/Registered Social Landlord Sites (RSL) sites, private sites and unauthorised encampments in Scotland. The number of Gypsy/Travellers households was stable between 2002 and 2009, however, the count shows differences in numbers of Gypsy/ Traveller population in summer and winter period, with winter number being around two third of those reported in summer.

In contrast, according to Craigforth (2007)[7] there may be around 23,000 Gypsy/Travellers in Scotland. The study estimations of Gypsy/Travellers population in West of Scotland region revealed that the Gypsy/Travellers constitute 0.06% of population in this region. This would mean that the Twice Yearly Count captures only half of the total number of Gypsy/Traveller population in Scotland. The recent Review (2009) of the Twice Yearly Count of Gypsies/Travellers in Scotland indicated that underestimation of Gypsy/Travellers population in Scotland is mainly due to:

- exclusion of housed Gypsy/Travellers
- inconsistent data across local authorities, in particular how

7. The study aimed to assess housing needs in West of Scotland.

encampment activity is being captured in the count
- failure of capturing some of the private sites used by Gypsy/Travellers due to lack of awareness of specific sites among local agencies

In addition, the EHRC (2009) indicated that underestimation of Gypsy/Traveller population may be a result of Gypsy/Travellers unwillingness to self-identify themselves to services. The forthcoming Population Census conducted in March 2011, which provides the category for 'Gypsy/Traveller' in the ethnicity question, might fill the gap in estimating the population of Gypsy/Travellers in Scotland.

2.5 Policies on Gypsy Travellers in Scotland between Equal Opportunity Inquiry 2001 and Race Equality Statement 2008

Besides the legal context, Scotland's overall policy situation in relation to Gypsy/Travellers features important stages from the year 2000, when the Scottish Parliament published a briefing note mapping out the status quo in relation travelling people in Scotland. This led to the *Equal Opportunities Committee (EOC) enquiry into 'Gypsy Travellers and Public Sector Policies'*; an important Inquiry undertaken in 2001. Evidencing discrimination, racism and social exclusion in several areas, the inquiry elicited 37 recommendations made by the Scottish Executive (Scottish Parliament 2001a/b) (see Appendix 2) that were grouped in general themes:

- Legal definition (Recommendation 1-2)
- Accommodation (Recommendation 3 -14)
- Education (Recommendation 15- 25)
- Health (Recommendation 26-31)
- Personal social services (Recommendation 32- 33)
- Policing and criminal justice (Recommendation 34-36)
- Promoting good relations (Recommendation 37)

In 2004, the Scottish Executive issued a response to the EOC 2001 Inquiry **"Delivering for Scotland Gypsy/Travellers"**. This document, among other developments, advised that Scottish Gypsies/Travellers should be identified as a specific community of interest, to be included in consultative engagements in order to allow their participation in public service delivery and access to community development initiatives. 2005 saw the EOC reviewing the progress made on equalities for Scottish Gypsy/Travellers since the 2001 report. This highlighted that most of the 37 recommendations in the 2001 report had not been implemented; that very little progress had been made and that the general situation had not improved. The EOC issued calls for evidence based on the recommendations of the 2001 report to review wherever a progress has been made toward greater inclusion of Gypsy/Travellers in Scotland. The Committee received significant body of evidence that highlighted areas of concern, where insufficient progresses against the Committee's recommendations were made:

> Without being rude, I ask how many times the questions need to be asked. We asked the exact same questions about how we can be helped with sites, how sites can be provided and what we want to be done four years ago. Four years on, the situation is the same (Equal Opportunity Committee, Official Report, 21 June 2005, col 1025)

The 2005 review outlined numerous areas of concern including the provision of accommodation for Gypsy/Travellers, suitable health and education services and continued discrimination against Gypsy/Travellers community. In addition, the evidence hearing indicated that the absence of accurate data in respect to Gypsy/Travellers' accommodation needs, family structures and lifestyle hinder the planning process for service provision. On the other hand, the evidence hearing provided examples of good practices in relation to the work of the police and their involvement with Gypsy/Travellers (recommendation 34-36), education [8] (recommendation 15-25) and health[9] (recommendation 26-31). However, the general agreement among the witnesses was that the progress in the implementation of the 37 recommendations was very slow and inconsistent among local authorities:

> Frankly, we have not moved as far forward as I hoped we would four or five years ago (Equal Opportunity Committee, Official Report, 21 June 2005, col 1025)

Consequently, the Committee welcomed the establishment of the Short Life Strategic Group on Gypsy Travellers in Scotland in June 2005. The group worked continuously between October 2005 and June 2006 to review and determine best approaches to improve Gypsy/ Travellers' lives in Scotland. From the list of the 37 recommendations (Scottish Parliament 2001), the Group identified two sets of actions, with short (one year) and long term goals. The report of the Gypsy Traveller Strategic Group (Scottish Executive 2005) includes the following main findings:

- The Executive should provide more strategic leadership and direction on race equality
- A national partnership for race equality in Scotland should be developed
- A national strategy and action plan should be developed
- Public bodies should accelerate the delivery of race equality
- Racial disadvantages must be tackled in key public policy areas
- There must be engagement of majority and minority communities and capacity built in both (Scottish Executive 2005:1).

In addition, the report outlines 12 immediate recommended actions for the Scottish Executive to:

- ✓ work with STEP, higher and further educational establishments and the Scottish Qualifications Authority should develop strategies for Gypsy Traveller learning including school, out of school, pre-school, further education, higher education, informal education, training and employment and financing.

- ✓ support the development of an interim group to establish a national representative Gypsy/Traveller body that would provide young people forum, advices, legal advice, information, development and capacity building support.

- ✓ continue grant support for Gypsy/Traveller sites beyond 2008 and extend it to

8. Scottish Traveller Education Programme (STEP) is funded by Scottish Executive programme aiming at promoting inclusive education for Scottish Gypsy/Travellers by improving education opportunities for Gypsy Travellers in Scotland by developing flexible education opportunities. For more details See: http://www.scottishtravellered.net/index.html

9. National Resource Centre for Ethnic Minority Health (NRCEMH) developed the Patient Records of Personal Health (PRPH) to assist Gypsy/Travellers access health care when they are travelling. The PRPH has been designed to allow caring handheld records to improve the continuing of health care for Gypsy/Travellers

cover a range of models of accommodation and transit sites.

- ✓ develop leadership and political support for Gypsies/Travellers at senior levels.
- ✓ introduce legislation requiring local authorities to identify land for Gypsy/Traveller sites, including that which could be owned by Gypsy/Travellers.
- ✓ establish a simpler planning process to enable positive action for Gypsies/ Travellers.
- ✓ Association of Chief Police Officers in Scotland (ACPO(S) should create better communication channels between police and Gypsy/Travellers, and build confidence in Gypsy/Travellers for reporting crimes against them and safety issues.
- ✓ create opportunities for capacity building for both Gypsy/Travellers and those with whom they engage.
- ✓ Local authorities should develop strategies for managing unauthorised encampments and consult local Gypsies/Travellers on these.
- ✓ establish and implement an anti-racism campaign for Gypsies/Travellers.
- ✓ Local authorities should conduct Gypsy/Traveller accommodation needs assessments as part of their preparation of Local Housing Strategies.
- ✓ Local authorities should establish liaison between schools and Gypsy/Traveller parents and children where they live (Scottish Executive 2005:14).

Further, accommodation, policing issues, education, health, young people and tackling discrimination were identified as priorities and areas of work requiring further progress. In 2007, the new Scottish Government came into power bringing new changes to policy developments. Therefore, recommendations were consulted with stakeholders in 2007 to produce action priorities for the race and equality policy in Scotland. As a result, the Race Equality Statement (2008) with four key priorities (over 2008-2011) related to Gypsies/ Travellers have been identified as follow:

- ✓ develop and implement an education strategy for Gypsies/Travellers (including Travelling Showpeople)
- ✓ provide direct support to local authorities to develop Gypsy/Traveller transit sites
- ✓ support community development work with the Gypsies/ Travellers communities
- ✓ develop further engagement work with young Gypsies/Travellers

(Scottish Executive 2008:9)

Summary:

The evidence presented to the Equal Opportunity Committee in 2005 indicated that there has been some progress achieved in the implementation of the 37 recommendations

(Scottish Parliament 2001). On the other hand, the progress has been rather slow and often depended on commitment of key individual institutions for example STEP, Article 12. In addition, the evidence shows inconsistency in good practice across the country. Therefore, there has been a need for a strategic leadership role which would ensure that implemented policies are coordinated, monitored, evaluated and shared across Scotland. In addition, direct involvement and commitment of both public bodies and Gypsy/Travellers communities is needed more than ever.

Based on the narratives from interviews with Gypsy/Travellers and stakeholders working with Gypsy/Travellers, the next chapters will reflect on how public policies, local authorities, public bodies and settled communities in general, relate to Gypsy/Travellers in areas of:

- Legal recognition of Gypsy/Travellers ethnicity,
- Accommodation,
- Education,
- Health
- Equal opportunities and discrimination

Chapter 3: Legal definition and "Leadership"

(Recommendations 1-2):

***Summary of recommendations*:**

- **Recommendation 1 – called for the terms 'Gypsy/Traveller' and 'Gypsy/ Travellers' to be standard classification in the Scottish Executive communication**
- **Recommendation 2 – called for the Scottish Gypsy/Travellers to be recognised as distinct ethnic group under the Race Relation Act 1976**

As noted in chapter 2.3, in October 2008 the Scottish Gypsy/Travellers became recognised as an ethnic distinct group under the Race Relation Act 1976 (as amended 2000). It should be highlighted that recognition of the Scottish Gypsy/Travellers ethnic status did not result in reducing discrimination against Gypsy/Travellers in Scotland. Interviews with stakeholders, working with Gypsy/Travellers, revealed that recognition and respect of Gypsy/Traveller culture is still absent in public and political discourse:

> *There are still far too many people in Scotland who cannot accept that Gypsy/ Travellers' culture is a travelling culture. If you deny that, that's essentially a human rights issue. If you deny people the essence of their culture, you're never going to resolve this issue (Stakeholder representative)*

In addition, it has been indicated by the interviewed stakeholders that achievement of equality and social justice in the context of Gypsy/Travellers communities are underpinned by lack of political will and leadership of central government.

> The political will is not there. There is not a central strategy; we don't have a government body telling us 'what's happening. (Site Manager)

> We need leadership at political level. We need ministers and we need councillors to be coming out and saying 'We have to house these people." (Stakeholder representative)

Marginalisation and segregation of Gypsy/Travellers communities has been the subject of public debate for the last decade in Scotland (EHCR 2009). In addition, vulnerable position of Gypsy/Travellers is associated with lack of acknowledgment of travelling culture which simultaneously produces the stigmatisation and marginalisation of the community:

> Just to be more understanding. I mean, make our life more normal like everybody else's is. That we always seem to stand out even if you don't want to (Gypsy/Traveller)

The cultural disadvantage of Gypsy/Travellers is understood as a social condition that has negative influence on the community. Based on interviews, there is a direct relation between perception of Gypsy/Travellers cultural disadvantage and exclusion of this community. As such, vulnerability of Gypsy/Travellers could be understood as lack of acknowledgement of Gypsy/Travellers culture and therefore lack of adjustment of structures of public institutions to improve their situations.

Gypsy/Travellers indicated that they do not feel a part of the wider Scottish society and therefore they tend to distinct themselves from it. As a result, Gypsy/Travellers remain

the most vulnerable group in terms of cultural discrimination, social marginalisation and lack political participation. The Gypsy/Travellers narratives provide examples of isolation from the settled community and local spaces. The experience of multilevel exclusion and stigmatisation undermine Gypsy/Travellers sense of trust towards public institutions and sense of belonging to wider society and civic life. As a result, Gypsy/Travellers expressed general mistrust towards public bodies, and therefore their representation was invisible in public discourse. On the other hand, the interview narratives indicated little or no engagement of Gypsy/Travellers in consultation with local authorities or community development initiatives in general.

> Scottish Gypsies keep to themselves, we are very private, very secretive, that is fine (Gypsy/Traveller)

> [The authorities] don't understand us in a way, it is not their fault because some Travellers would not speak to them, which they should (Gypsy/Traveller)

The absence of Gypsy/Travellers participation and engagement in civic society creates a challenge for public bodies and has an impact on support and service delivery. The 37 recommendations called for consultation with Gypsy/Travellers in developing service provision, however lack of Gypsy/Travellers active and sustained engagement hinder the adequate service delivery. Therefore, interviewed stakeholders indicated the need of representation and leadership among Gypsy/Travellers communities:

> We also need leadership inside the community, because you can't have the kind of family feuding going on which has led to the destruction of some sites. There has to be some degree of discipline within the community. If the councils are going to play fair, the community has to play fair equally (Stakeholder representative)

> What is lacking is an organized group, with an ambassador to represent them. But you'll never get a group to represent them. There is a minority which claims to represent a majority, but this is not well received. You can hardly get representation on one site, let along across the country (Site Manager)

The interviewees indicated that there is a strong need for engagement and development of the partnership and dialogue between Gypsy/Travellers communities, local authorities, government and NGOs to challenge the exclusion and stigmatisation of the Gypsy/Travellers communities. The 2005 Review (Scottish Parliament 2005) indicated that the consultations of Gypsy/Travellers are rather tokenistic and lacking commitment. **Therefore, there is a need for mainstream structure that would coordinate, monitor, evaluate and facilitate the partnership work between public bodies and Gypsy/Travellers in service delivering. However, it is acknowledged that**, the progress in implementation of the 37 recommendations requires mutual engagement and participation of public bodies, Gypsy/Travellers and civic society in general.

The 37 recommendations following the Equal Opportunity Committee Inquiry (Scottish Parliament 2001) indicated certain amendments for public policy to improve equality in Scotland. Majority of the recommendations were dedicated to local authorities (Accommodation: recommendations 3-14, Education: recommendation 15-25, Health: recommendation 26-31), however the interviewed stakeholders indicated that coordination and monitoring of implemented actions should be left in the hands of central government.

In addition, the absence of coordination of policy implementation leads to discrepancies in improvement of services provision for Gypsy/Traveller communities among local authorities

> Ten different local authorities, ten different policies. How is this going to work? (Stakeholder representative)

> Progress has been limited because there is no political will. The Scottish Government can recommend "to" local authorities, but if there is no stick, how can they monitor and assess? (Stakeholder representative)

The absence of mainstream structure hinders the cooperation between local authorities as well as the approach deployed towards acknowledging Gypsy Travellers as a distinct group equal to other ethnic groups. The need for strategic leadership and greater political will have already been indicated as area for improvement in the 2005 review (Scottish Parliament 2005). Interviewees indicated that the progress achieved in this area has been inadequate. A call was relayed that there is an **urgent need for developing mainstream structure that would push implementation of the 37 recommendations forward and provide the platform for sharing of good practices across Scotland.**

In addition, the lack of coordination trickles down to site managers' level working with Gypsy/Travellers on daily basis. For example, all of the site managers, who took part in the focus group, have different job descriptions, responsibilities and are employed in different services and departments. Lack of consistency among job descriptions and role of site managers has been indicated as an issue for

> What we need is leadership from Government […] Government should make sure that local authorities comply, respond and provide
> (Stakeholder representative)

improvement in recommendation no 7 (Scottish Parliament 2001) and Communities Scotland (2002) which reflects a need for further work in this field:

> We need more communication. We need continuity in site managers meetings, but many site managers cannot attend due to job descriptions, financial pressures, this is bad.

Summary of key areas of concern:

- The isolation and vulnerability of Gypsy/Travellers is partly associated with lack of acknowledgement of travelling culture among public institutions.
- Lack of governmental leadership in coordination and monitoring the implementation of the 37 recommendations create a challenge in progressing a cohesive development of the policy implementation among local authorities
- Experience of multilevel exclusion undermined Gypsy/Travellers sense of trust towards public institutions and sense of belonging to wider society and civic life
- Little of no engagement of Gypsy/Travellers communities has hindered adequate service provision

Chapter 4: Housing and Accommodation

(Recommendation 3-14)

***Summary of the recommendations*:**

- **Recommendation 3: called for Gypsy/Travellers to be included as specific community of interest in implementation of Equality Strategy**
- **Recommendation 4 and 9: called for consultation with Gypsy/Travellers on development of site provision, regulations and standards applicable to local authority sites**
- **Recommendation 5, 10 and 14: called local authorities to carry out needs assessment of Gypsy/Travellers accommodation**
- **Recommendation 6: called for expansion of the definition of "home" to include sites in housing legislation**
- **Recommendation 7: called for greater consistency and revision of site manager job description**
- **Recommendation 8: called for local authorities to appoint Gypsy Traveller Liaison Officer**
- **Recommendation 11: called for development of guidance on management of unauthorised sites**
- **Recommendation 12: called for inclusion of Gypsy/Travellers in policies on racial harassment**
- **Recommendation 13: called for revision of allocation policies to include needs and Gypsy/Travellers lifestyles applying for social housing.**

In terms of housing, the 2010 *Housing (Scotland) Bill* (SP Bill 36) includes in its 'Outcomes' 'the provision and management of sites for gypsies and travellers, whatever their race or origin'. *The Housing (Scotland) Act 2001* placed a duty on Local authorities to regularly review and update their Local Housing Strategy to meet the accommodation needs of Scottish Gypsy/Travellers communities (Scottish Executive, 2001a, 2004; Communities Scotland, 2006). This duty was confirmed by Communities Scotland's instruction to local authorities.

The Scottish Housing Regulator which has responsibility to inspect local authority housing services, has a series of nationally agreed Performance Standards. The "Sites for Gypsies/ Travellers" Performance Standard plans to: provide or arrange good-quality, serviced stopping places for Gypsies/Travellers. We let pitches in a way that ensures fair and open access for all. We take Gypsies/Travellers' views into account in delivering our services, and we are responsive to their needs". (Performance Standard AS6.1)

The *Scottish Planning Policy 3: Planning for Homes* (SPP3), revised in 2008, prescribes the following:

- ✓ "Local authorities should consider the needs of all Gypsies and Travellers for appropriate accommodation within their housing need and demand assessment and take these into account in preparing their local housing strategies.

- ✓ Planning authorities should make provision for such communities as are in their area already, as well as those who may arrive at a later date.

- ✓ Planning authorities should identify suitable locations for sites for Gypsies and

Travellers and set out policies for dealing with planning applications for small privately-owned sites

- ✓ Planning authorities should ensure that Gypsy and Traveller communities are involved in decisions about sites for their use" (Scottish Government 2008: 21)

For what it concerns unauthorized encampments, there is a numerous of legislative provisions. In UK[10] law, the *Public Order Act 1986* which imposes conditions on public assemblies and the *Criminal Justice and Public Order Act 1994* ('the 1994 Act') which specifically addresses Gypsy/Travellers' circumstance. The 1994 act empowers both the police and local councils to evict Travellers on unauthorized sites. For prosecution for unauthorised encampment in Scotland, the *Trespass Act 1865*, the *Roads Act 1984*, and *The Anti-Social Behaviour Act 2004*, are very salient.

In relation to the *Trespass Act 1865* a petition lodged on 26 March 2010 to the Scottish Parliament (PE 1321)[11] directly addresses the issue of removal. "Section 3 of the ancient Trespass (Scotland) Act 1865 empowers police officers to arrest, detain and present before a magistrate Gypsy/Travellers who are encamped on unauthorised sites. This includes charging 16 year olds (classed as children under the United Nations definition of a child) and adults who have family members under the age of 18. We believe this practice contravenes Article 30 of the United Nations Convention on the Rights of the Child... and Article 8 of the European Convention on Human Rights."[12] In closing the petition the Committee stated "that the powers available to local authorities and the police, including the Trespass (Scotland) Act 1865 to manage unauthorised camping by Gypsies/Travellers should only be used as a last resort (...) Further, it is also of the view that the provision made by the Act does not in itself breach the rights that Article 30 of the UNCRC gives to children."[13]

The Scottish Government published in 2004 *Guidelines for managing unauthorised camping by Gypsies/Travellers in Scotland.* The aims of these guidelines are to:

- To help strike an appropriate balance between the needs and legitimate expectations of members of the settled community, local businesses and landowners, and Gypsies/Travellers

- To set out recommended courses of action which all local authorities and police forces are strongly urged to follow in order to provide an effective solution to unauthorised camping in their area, where it is a problem
- To encourage a more consistent approach across Scotland, building on current good practice and sharing experience

- To encourage active engagement with the settled and Gypsy/Traveller communities

10. In England, the Circular 1/94 Gypsy sites and planning (ODPM Circular 01/2006) encourages Gypsies/Travellers to purchase land themselves; however, planning issues are a significant obstacle in the case of ownership of land and in the process of legitimization. Thus, unauthorized camping is a growing phenomenon, not only in England, but in Scotland too. Nevertheless, Circular 1/06 (par. 43) (ODPM Circular 01/2006) states that 'there is clear and immediate need, for instance evidenced through the presence of significant numbers of unauthorised encampments or developments, local planning authorities should bring forward DPDs (Development Plan Documents) containing site allocations in advance of regional consideration of pitch numbers, and completion of the new GTAAs (Gypsy and Traveller Accommodation Assessments). Circular 1/06 makes it clear that local planning authorities (LPAs) should assess Gypsy Travellers' accommodation needs. (The Department for Communities and Local Government, (2008) Designing Gypsy and Traveller Sites, Good Practice Guide).
11. For more information see: http://www.scottish.parliament.uk/business/petitions/pdfs/PE1321.pdf
12. For more information see: http://www.scottish.parliament.uk/business/petitions/pdfs/PE1321.pdf
13. For more information see: http://www.scottish.parliament.uk/business/petitions/docs/PE1321.htm

> in order to achieve 'buy in' to the strategy advise that when local authorities are developing their strategies, they should be developed with the involvement of all key stakeholders and must seek to balance the rights and responsibilities of the Gypsy/Traveller and settled communities (Scottish Government 2004: 3)

In 2007, an evaluation of the unauthorised encampment guidelines was carried by the Scottish Government. However, the issue of eviction has been raised in numerous Parliament petitions including:

· Petition lodged on 26 March 2010 directly addresses the Trespass Act 1865 a which empowers police officers to arrest, detain and present before a magistrate Gypsy Travellers who are encamped on unauthorised site including charging 16 year olds (classed as children under the United Nations definition of a child) and adults who have family members under the age of 18 (PE 1331)
· Petition lodged on date 26 March 2010 called on the Parliament to urge the Scottish Government to remove the Trespass (Scotland) Act 1865 from all future guidance on the management of Gypsy/Traveller temporary and halt sites (PE 1321)
· Petition lodged on 11th June 2010 which highlight the discrepancy between the Local Government Finance (Scotland) Act 1992 under which a caravan must be classed as a dwelling for the purposes of council tax banding. Whereas under Section 86 (1) of the Housing Act (Scotland) Act 1987 and subsequent Acts, a caravan cannot be classed as a dwelling in so far as the assessment of minimal tolerable standards. Therefore, if a caravan is unfit for human habitation and should otherwise be exempted, the occupant will be charged the same figure as a house dweller whose property is valued up to £29,000 under band A. The result of this is that caravan dwellers are seriously disadvantaged under the law and therefore the victims of discrimination (PE 1333).

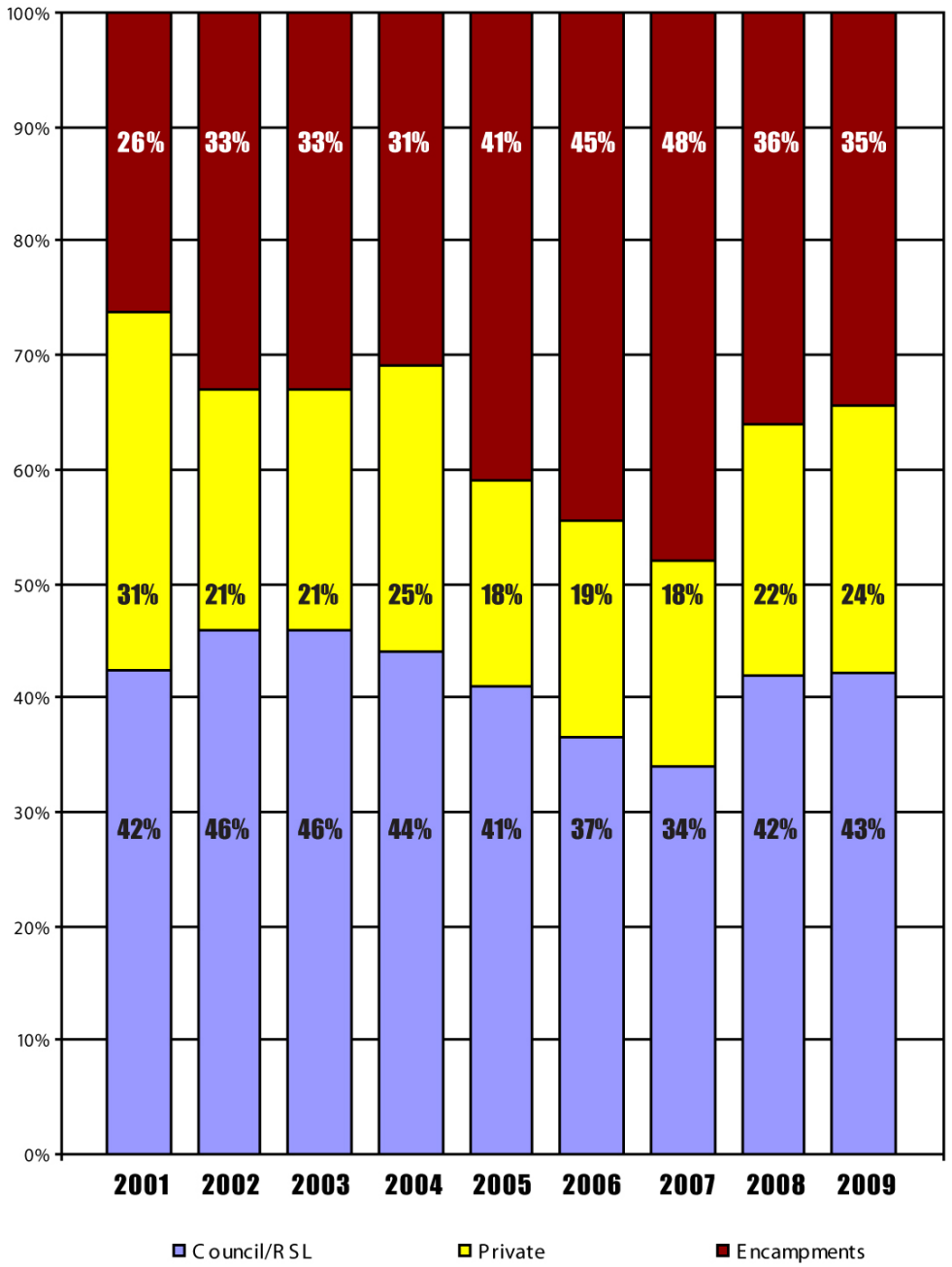
In brief, as explained earlier, the issues around access and quality of provision of accommodation for Gypsy/Travellers in Scotland have been debated by Scottish Government over the last decade. The Equal Opportunity Inquiry (2001) recommendations relating to accommodation (Recommendation 3 -14) fed into the development of housing legislations, in particular the Housing (Scotland) Act 2001 which places a duty on Local authorities to regularly review and update their Local Housing Strategy to meet the accommodation needs of Gypsy/Travellers communities in Scotland. The Act follows the recommendation 5 and requires local authorities to include assessment of Gypsy/Travellers accommodation needs into development of Local Housing Strategies. In addition, in 2003 and revised in 2008, government guidance for planning authorities, Scottish Planning Policy 3: Planning for Homes (SPP3), referred to local authorities to consider the accommodation needs and demands of Gypsy/Travellers in preparing local housing strategies:

These requirements raised expectation of improvement of accommodation service provision and led to the inclusion of Gypsy/Travellers communities in the assessment of housing needs in Local Housing Strategies and development plans. That is, the Scottish Government's Housing Need and Demand Guidance (2008b) following the recommendation 3, identifies Gypsy/Travellers communities as 'hard to reach group' and highlight the importance of assessment with directions to good practice in the provision of housing services by Local Authorities. However, according to results of local authorities' survey, coordinated by the Equality and Human Rights Commission (Brown et al 2009), only 17 out if 26 of local authorities who participated in the study undertook an assessment of accommodation needs of Gypsy/Travellers communities in their areas between 2003 and

2008. In fact, only 8 out of 26 of local authorities included Gypsy/Travellers assessment needs into approved Local Development Plans. This indicates that few local authorities follow the SPP3 guidance in identifying suitable location for Gypsy/Travellers in Local Development Plans.

Accordingly to Scottish Government statistics, in 2009, there were 31 Council / RSL sites across Scotland, with 28 being year round sites and 3 seasonal (summer only) sides.

Figure 2: Population of Gypsy/Travellers by type of households 2001-2009



Source: Gypsies/Travellers in Scotland. Twice Yearly Count – No 16: July 2009

The share of the Gypsy/Travellers living in different households has changed very little between 2001 and 2009. The lack of accuracy and completeness of the Twice Yearly Count has been already indicated in chapter 2. Therefore, the number provided by the count provides only a partial picture of the Gypsy/Travellers accommodation needs. In addition,

the issue related to inadequate number of Gypsy/Travellers households has already been pointed out in the 2005 Review (Scottish Parliament 2005). The gap in knowledge of the number of Gyps/Travellers population raises serious challenges in understanding the needs and expectations of Gypsy/Travellers communities.

Accordingly to the count (2009) the proportion of Gypsy/Travellers living on Council / RSl sites was stable between 2001 and 2009. However, interviewed Gypsy/Travellers indicated that the council sites were not adequate to their accommodation needs:

> Council sites don't work. You can't take somebody from somewhere and somewhere else and put them together. I want to choose where to live (Gypsy/Traveller)

As communicated by the participants, council sites are the least preferred option for Gypsy/ Travellers. Craigforth (2009) and the EHRC (2009) stressed out that the poor quality of the council sites facilities is a source of dissatisfaction with the sites. This was despite the Scottish Executive allocating a site development grant of £3 millions over three years for improvement of existing local authority sites and development of the new residential or transition sites. The funding was extended and £1 million was available in 2008/09 and 2009/10.

In addition, Gypsy/Travellers indicated that there were a few available council sites. Vacant council sites were often located on peripheral areas which removed Gypsy/Travellers from the landscape of the mainstream community. From interviews, Gypsy/Travellers described council sites as "intimidating" and restrictive to their "life style":

> You are out there with high barriers and cameras, like big brother (Gypsy/Traveller)

> More sites for Travelling people to have their lifestyle (Gypsy/Traveller)

The EHRC (Brown et al 2009) survey with local authorities showed that 8 out of 26 local authorities were able to estimate the number of additional residential pinches required in the next 5 years. This indicates that few local authorities were able to follow recommendation 10 (Scottish Parliament 2001) called on local planning authorities to identify the need of Gypsy/Travellers in site provision in statutory plans. The Scottish Planning Policy 3: Planning for Homes (SPP3) requires local authorities to consider the accommodation needs and demands of Gypsy/Travellers in preparing local housing strategies. However, according to the EHRC (Brown et al 2009) survey, only 3 out of 21of local authorities participated in the study, were developing new sites. Lack of available and suitable sites significantly affects Travellers' mobility, their lifestyle and work:

In fact, barriers to Local Authorities' action in this area could be attributed to certain issues such as finance, planning permission issues and resistance from local communities.

In addition, some of the local authorities which participated in the EHRC study (Brown el at 2009) indicated low demand for council sites from Gypsy/Travellers. On the other hand, the Scottish Government (2009) data shows that only 13 percent of pinches in whole of Scotland were available to let. This present contested picture of use and demand of the council sites.

Table 2: Pitch Provision and Occupancy by Local Authority Area July 2009

LA Site Name	Total number of pitches	Total let	Let & occupied	Let but with tenant temporarily absent	Available for let but not tenanted	Empty & not available for letting
Aberdeen City Clinterty	21	86%	67%	19%	0%	14%
Aberdeenshire Greenbanks	20	100%	100%	0%	0%	0%
Angus St Christopher's	18	100%	100%	0%	0%	0%
Argyll & Bute Duncholgan	14	79%	64%	14%	14%	7%
Argyll & Bute Ledaig	8	75%	63%	13%	25%	0%
Argyll & Bute Torlochan	10	50%	10%	40%	0%	50%
Clackmannanshire Westhaugh	16	75%	69%	6%	0%	25%
Dumfries & Galloway Barlockhart	14	29%	29%	0%	71%	0%
Dumfries & Galloway Thistlegrove	18	89%	83%	6%	11%	0%
Dundee City Balmuir Woods	20	30%	30%	0%	20%	50%
East Dunbartonshire Redhills	15	0%	0%	0%	0%	100%
East/Midlothian Old Colliery	20	45%	30%	15%	10%	45%
Edinburgh (City of) North Cairntow	20	85%	85%	0%	10%	5%
Falkirk Redding	15	87%	73%	13%	0%	13%
Fife Heatherywood	18	100%	67%	33%	0%	0%
Fife Tarvitmill	20	95%	70%	25%	5%	0%
Fife Thorntonwood	12	100%	92%	8%	0%	0%
Glasgow City Rodney Street	10	0%	0%	0%	90%	10%
Highland Kentallen Park	7	86%	71%	14%	14%	0%
Highland Laggan Road	7	29%	29%	0%	71%	0%
Highland Longman	20	80%	45%	35%	0%	20%
Highland Spean Park	14	57%	21%	36%	0%	43%
North Ayrshire Redburn	16	75%	63%	13%	25%	0%
Perth and Kinross Double Dykes	20	100%	100%	0%	0%	0%
Scottish Borders Tweedside	10	80%	80%	0%	20%	0%
South Ayrshire Houdston	8	100%	88%	13%	0%	0%
South Lanarkshire Springbank	6	100%	33%	67%	0%	0%
South Lanarkshire Swinhill	22	95%	91%	5%	0%	5%
Stirling Bridgend Park	18	22%	22%	0%	78%	0%

West Dunbartonshire Dennystoun Forge	20	100%	95%	5%	0%	0%
West Lothian Sibbald's Brae	21	48%	43%	5%	5%	48%
Scotland	478	72%	61%	11%	13%	15%

Source: Source: Gypsies/Travellers in Scotland. Twice Yearly Count – No 16: July 2009

The data shows discrepancies in number of available pinches for letting among local authorities. For example, half of the available sites had no vacant spaces for Gypsy/ Travellers, compared to 4 sites which had 70 percent or more vacant pinches. This present contested picture on whatever progress of local authorities on site provision for Gypsy/ Travellers communities is adequate or inadequate. Therefore more work needs to be done to access and understand the current use and demand of the sites by Gypsy/Travellers communities.

The narratives of Gypsy/Travellers indicated another issue related to discrepancies in vacant spaces on council sites. Based on feedback from interviews, potential issues of security and tension between members of Gypsy/Travellers communities caused reluctance among members of the Gipsy Travellers to live on council sites:

> But if there's one family and say they have seven children they think they own that site and they don't let anyone else on it and they make the people's life on it quite difficult till they leave (Gypsy/Traveller).

> Because, usually you find with the sites that there's one family goes on and the rest of the family follows and they get quite intimidating. (Gypsy/Traveller)

Based on interviews, Gypsy/Travellers preferred private sites over the council sites, but it has been pointed out that the number of private sites available to Gypsy/Travellers has decreased in recent years where changes in ownership of sites and lack of flexibility of new owners make the access to private sites very limited. In additions, private sites were often not available for Gypsy/Travellers due to high cost and lack of available spaces especially during the summer terms.

Another concern that was communicated by interviewees is being able to gain planning permission to develop their own sites: they called for a need for more accessible and fairer planning permissions. According to recommendation 9 (Scottish Parliament 2001), private sites should be subject to the regulations and standards applicable to local authority sites. As a result, private sites owners are encouraged to run and develop their sites in accordance to Performance Standard (Scottish Housing Regulator 2006) which creates a challenge for Gypsy/Travellers communities in acquiring planning permission.

Problems of receiving planning permission and lack of provision of adequate council sites have an impact on the increase in number of Gypsy/Travellers living on unauthorised encampments. Despite the guidance indicating general rules in managing unauthorised sites, its intent is not always clearly stated and more importantly, it has not been applied in practice. Gypsy/Travellers living on unauthorised sites face the constant threat of eviction which contributes to their feeling of insecurity and vulnerability. In addition, Gypsies/ Travellers living in unauthorised encampments are often lacking basic amenities or have

no access to health and education services for their families, or can be subjected to racial abuse and discrimination (EHCR 2009). The issues around families' eviction living on unauthorised sites involve complex conflicts between the rights of Gypsy/Travellers communities to suitable accommodation, responsibilities and expectations towards local authorities as well as the tension between settled communities and Gypsy/Travellers. In order to achieve the desired progress in the implementation of recommendation 11, further debate and dialogue structures should be initiated through effective leadership and coordination between Gypsy/Travellers and public bodies beyond policy guidance.

Summary of key areas of concern:

- Lack of accurate and complete data on Gypsy/Travellers accommodation patterns hinder provision of accommodation service

- Council site were identified by Gypsy/Travellers as *intimidating* and *restrictive* to their life style therefore they were the least preferable accommodation.

- Discrepancies in available pinches for letting among local authorities show contested picture of use and demand of the council site

- Problem with gaining planning permission by Gypsy/Travellers

- Lack of coordination, dialogue, debate and coordination of management of unauthorised sites.

Chapter 5: Education, Children and Young People

(Recommendation 15 – 25)

Summary of recommendations:

- Recommendations 15 and 25: called for greater consultation of Gypsy/Travellers and additional resources to support access of Gypsy/Travellers communities to education service
- Recommendation 16 and 17: called for more consultation, flexible provision and alternative approached to provision of education service for Gypsy/Travellers
- Recommendation 18 and 23: called for further research and information on Gypsy/Travellers children in education and good practice in service provision
- Recommendation 19: called development of guidance on Initial Teaching Training and Continuing Professional Development to include Gypsy/Travellers as ethnic group in relation to training on equality and social justice
- Recommendation 20: called for development of anti-bulling strategies in schools
- Recommendation 21: called for development of adults learning projects
- Recommendation 22: called for inclusion of Gypsy/Travellers in ethnic monitoring of education services
- Recommendation 24: called for development of alternatives to school education

Education has been identified as one of the instruments of readdressing exclusion of Gypsy/Travellers communities in society (Liegeois 1998). The Scottish Government main legislative instruments about Education, that directly mention Gypsy/Travellers learners are the following:

- Standards in Scotland's Schools etc Act 2000;
- Education (Additional Support for Learning (Scotland) Act 2004;
- Education (Additional Support for Learning) (Scotland) Act 2009.

These Acts are to be considered in conjunction with the following policies and initiatives, for example: For Scotland's Children: Better integrated children's services; Children Missing from Education (Scotland); Getting it right for every child; More Choices, More Chances. Further the guidance *Included, engaged and involved – part 1: attendance in Scottish schools* (2007) – in relation to management of attendance and absence in Scottish schools- makes specific references to Gypsy and Traveller learners. HMIE's resource *Taking a closer look at: Inclusion and Equality – meeting the needs of Gypsies and Travellers* (2005) provides guidance for schools to assess their inclusion of Travelling families, and their provisions to deliver and inclusive service.

The Scottish Traveller Education Programme (STEP) set up in 1991, and funded by the Scottish Government, is based at the University of Edinburgh and its remit is to support developments in inclusive educational approaches for Scotland's Travelling Communities. STEPS' main aims are to:

- "Improve educational opportunities for Scotland's Travelling people - Gypsies/Travellers, Showmen and other Travellers, more recently including Roma;
- Listen to and represent families' views about Education;
- Encourage development of a diverse & flexible range of educational opportunities for **all Traveller communities**;
- Promote development of inclusive approaches to support diversity in education and

to address racism, harassment and bullying;
- Enable educators, and others, to respect Scotland's Travelling communities to know about their diverse histories, cultures and traditions, and their contemporary cultural practices and living circumstances;
- Promote and support (where possible) inter-agency working between education, accommodation, health, other key social services and governmental agencies"[14].

Managed and hosted by STEP is the pilot project 'eLearning and Traveller Education Scotland' **(eLATES)**, an e-learning community for Scottish Travellers. eLATES delivers ICT supported learning 'anytime, anywhere'.

Established in 1996, rights group **Article 12 in Scotland** is a young person led network that works to empower marginalised young people. The Scottish Government has granted £120,000 to Article 12 over 2008-11 for a project in support of young Gypsies/ Travellers. The project entails working with a group of 30 young Gypsies/ Travellers to develop key personal and life skills which will allow them to achieve their full potential and maximise their skills.

In this context, STEP and Article 12 activities cover a range of issues highlighted by the Equal Opportunity Committee Inquiry (2001) such as anti – bulling strategies (recommendation 20), adults learning and information service (recommendation 21 and 24).

Despite some progress and good practice in improving access to education service, Gypsy/ Travellers children remain the most disadvantaged group in the Scottish education system. For example, Gypsy/Travellers pupils achieved the lowest results from any minority ethnic group in national test (Ofsted Publication Centre 2003). This can be a result of several barriers faced by Gypsy/Travellers communities in accessing education service.

As noted throughout the interviews with Gypsy Travellers representatives, education remains an important factor to their community:

> Education, education would be my main factor.
> (Gypsy/Traveller)

Clark (1998) suggested that the resistance towards schooling from Gypsy/Travellers community has shifted into a positive recognition of the role of education. Despite Gypsy/ Travellers adults outlining education aspirations for their children as crucial, they tend to point out that public education, especially secondary schools, does not provide appropriate service for their children. The interviews indicated a difference in Gypsy/Travellers' **experiences of primary and secondary education**. It has been pointed out that primary schools were able to adjust methods of teaching to the travelling cultures, compared to secondary school where Gypsy/Travellers pupils experienced bullying and racism:

> The primary school was great, they, they just carried them on from where they finished off but not the high-school. So, em, it never worked. It never worked at all. (Gypsy/Traveller)

> She coming out and I wouldn't even send her cause she's no ready for high-school. Eh, I'm going to try and actually, put hear year back so she can go another year in primary school (Gypsy/Traveller)

14. For more information see: http://www.scottishtravellered.net/index.html

> As soon as she moved to the bigger school, six miles away where all where all the rest of the kids, they actually pushed her down stairs and everything (Gypsy/ Traveller)

The positive recognition of education by Gypsy/Travellers communities was hampered by their children negative experience of schooling. It has been clearly indicated in interviews that Gypsy/Travellers valued education and recognised that their children may gain desirable skills and qualifications that would be useful in future to secure employment. On the other hand, Gypsy/Travellers expressed that schools, again especially secondary schools, are the places where their children face discrimination, harassment and bulling. Bhopal (2004), Lloyds and Stead (2001) reported several settings where racism, bulling and labelling of Gypsy Travellers in Scottish education system. This has had harmful consequences for children's wellbeing and impacted on their attendance:

> I would have loved for her to go, have her extra education (Gypsy/Traveller)

> I needed to be in for the kids to go to school, as I say cause you don't want them to go to school themselves with people who don't know them and things cause they can get bullied (Gypsy/Traveller)

> The kids couldn't go to school, cause they've not been to like school, England, Scotland, all over. The kids could go to school and they would go for maybe two or three weeks a month and then it would start (bullying). (Gypsy/Traveller)

Based on interviews, harassment, verbal and even a physical abuse in secondary schools have been the main factor for parents not sending their children to schools. Therefore, Gypsy/Travellers parents were trying to find substitute education in private tutoring but this was problematic:

> There was no way she was going through high school to get bullied
> Education's been fine in primary but my eldest daughter; […] she came out of education. She done 6 month, I tried her in high school, she came out of high school, she was getting bullied called 'Gypsy (Gypsy/Traveller)

> We've never heard, we've tried to contact him [private tutor]. She's fifteen next week so for 3 years she's had no education. It's not for the lack of trying, do you know what I mean (Gypsy/Traveller)

Undoubtedly, discontinuity in learning and interruption in school experiences have further implications for Gypsy/Traveller children's educational achievement and inclusion of in society. The need for greater engagement of public schools and Gypsy/Travellers (to challenge the stereotypes and develop anti-bulling strategies - recommendation 20) has been echoed fully in interviews. Therefore, there is a need for public campaigns informing and promoting the understanding of traditions and customs of Gypsy/Travellers with regards to education.

Another point presented by the interviewees was the issue absence of Gypsy/Travellers children from schools. This was, apparently, often perceived by the teachers as lack of commitment. Bhopal (2004), Lloyd and McCluskey (2008) indicated that Gypsy/Travellers

cultural characteristics are often recognised as problematic and have an impact on the way official institutions respond to Gypsy/Travellers children. The stereotypical perception of Gypsy/Travellers communities shaped the way Gypsy/Travellers behaviours were interpreted by schools. For example, low attendance of Gypsy/Travellers pupils often caused disciplinary exclusion from the school. Lack of recognition of Gypsy/Travellers culture has been identified as one of the main challenges in improving the provision of education service. Gypsy/Traveller parents pointed out that schools do not engage and do not look after their children. In this view, some of the schools failed to take into account broader social and structural influences and multidimensional exclusion of Gypsy/Travellers communities. A note was made by interviewees that more Continuing Professional Development trainings and information provided to public institutions is required to achieve better understanding and acknowledgement of Gypsy/Travelling culture (recommendation 19).

On the other hand, it has been indicated in the interviews that Gypsy/Travellers community was not engaging with schools. It was clear from interviews that Gypsy/Travellers failed to inform the school about their intentions to move. This often leads to confusion and miscommunication between schools and Gypsy/Travellers community:

> They didn't know that he was away. So, it was kind of on both sides if you know what I mean.

This chapter outlined common themes and barriers in provision of education service. These include: experience of racism, bulling, interrupted learning, lack of recognition of Gypsy/Travellers special needs in accessing education service. On the other hand, the interviews pointed out little or no engagement and commitment of Gypsy/Travellers to inform schools in advance about their children' absence. This often causes confusion and misunderstanding between school and the community. Therefore, there is a need for leadership, coordination, mutual commitment and involvement of public schools, civic society and Gypsy/Travellers to develop good practices in provision of education service.

Summary of key areas of concern:

- Gypsy/Travellers' children remain at disadvantage and are underachieving group in Scottish education system

- The interviews provide examples of bulling, harassment, racial incidence and discrimination against Gypsy/Travellers pupils. It was especially true in secondary schools.

- Lack of recognition and acknowledgement of Gypsy/Travelling culture have an impact on inadequate provision of education service

- Lack of engagement of Gypsy/Travellers communities lead to confusion and miscommunication between schools and Gypsy/Travellers community

Chapter 6: Health

(Recommendation 26 – 31)
Summary of the recommendations:

- Recommendations: 26, 27 and 28: were called for further research on Gypsy/Travellers health needs, service development in cooperation with Gypsy/Travellers and development of the guidance for CPD training for NHS staff
- Recommendations 29 and 30: called for revision of funding systems to avoid discrepancies for GP practices in registering Gypsy/Travellers and to secure additional funding to develop good practice in health service provision
- Recommendation 31: called for greater health promotion campaign for Gypsy/Travellers communities

Reducing health inequalities is a core objective of the Scottish government health policy (Scottish Executive 2005) which has recently focused on prioritising public health (wellbeing) and reducing the underlying determinants of poor health and enhancing prevention to tackle inequalities (DH 2004). The Equal Opportunity Inquiry (Scottish Parliament 2001) recommendations relating to health (Recommendation 26-31) indicated the necessary developments in terms of guideline, trainings and funding strategies to reduce inequality in accessing health service by Gypsy/Travellers communities. Since 2001, there have been several improvements in provision of health service across the UK and Scotland. The Council of Europe's Third report submitted by the United Kingdom pursuant to article 25, paragraph 1 of the framework convention for the protection of national minorities (ACFC/SR/III(2010)003) offers a mapping of health care service provision in relation to Gypsy Travellers.

Paragraph 5 indicated that "The Scottish Government (Executive) funded the National Resource Centre for Ethnic Minority Health to work with the Gypsy/Traveller community to develop hand-held patient records in recognition of their lifestyles and the difficulties they experience in accessing health services" A 'Personal Child Health Record' (the red book) has also been developed for Gypsy/Traveller children "to improve continuity of care". Finally, upon commissioning by NHS Health Scotland, Save the Children developed health awareness and promotion materials suitable for Gypsy/Traveller youth.
Also, in 2007 a Gypsy/Travellers Health Steering Group was set up to realise 16 sessions on promotion and awareness raising on the hand held records as well as on Gypsy/Travellers' issues in general.

The improvement of health service provision for Gypsy / Travellers in Scotland was revealed throughout narratives of interviewed Gypsy/Travellers:

> Yea, health's fine yea absolutely fine (Gypsy/Traveller)

> – no, no, no, no, . you're no treated any different as anybody else. No problem (Gypsy/Traveller)

Despite Gypsy/Travellers outlining improvement in accessing health service, Smart at al (2003) indicated that Gypsy/Travellers have worse health comparing to the general population. According to Parry et al (2004) 38 percent of a sample of 260 Gypsy/Travellers had long-term illness, compared with 26 percent of age- and sex-matched comparators. This can be a result of several challenges in provision of health service to Gypsy/

Travellers communities. According to the EHRC (2009), the most common challenge in accessing primary care by Gypsy/Travellers though GPs is lack of permanent address. The registration of Gypsy/Travellers as temporary residents exclude the community from a range of services including screening or follow up appointments. The life style of Gypsy/Travellers is a factor on discontinuity of care, in interruption of medical treatment and in the increase in use of 'walk in centres' such Accident and Emergency (Richardson et al 2007). Indeed, interruption with treatments, lack of follow up appointments or preventive care (screening) are continuous challenges to ensuring effective health provisions for Gypsy/Travellers, where by the time the condition is diagnosed, the prognosis for the patient is late (Parry et al 2004). In addition, poor quality or inappropriate accommodation may have an impact on poor health of Gypsy/Traveller communities. Therefore, further research is required on environmental factors relating to poor health of Gypsy/Travellers communities.

In addition, the EHCR (2009) indicated unwillingness of medical examination or discussion about sexual issues being performed by opposite sex. As fact, this issues is shared with other ethnic minorities therefore, there is a need for training and information for NHS staff on raising the awareness on relation between Gypsy/Travellers culture and special needs in health service provision. However, it should be highlighted that poor attendance and general resistance to the service were indicated by health professional as common experiences with Gypsy/Travellers community (Parry et al 2004).Therefore there is a need for greater health promotion and information campaign for Gypsy/Travellers communities to raise awareness especially with regards to the relation between lack of preventive and primary care and development of certain health conditions.

Summary of areas of concern:

- Gypsy/Travellers have worse health comparing to the general population.
- Lack of permanent address of Gypsy/Travellers has an impact on access to primary care

Chapter 7: Equal opportunity and discrimination

- Recommendation 37: called for support of the recognition of Gypsy/Travellers as a distinct ethnic group and commitment by service provision to this approach

The recognition of ethnic status of the Scottish Gypsy/Travellers has been the subject of various debates in Scotland (Clark 2006). The issue of lack of equal access to services, goods, accommodations and education have been outlined in previous chapters of this study. In 2005, the Scottish Executive (Government) indicated that attention to Gypsy/Travellers would be one of the four areas that require dedicated work to achieve greater equality in Scotland[15].

The Scottish Executive (Governmnet) campaigns such as "One Scotland Many Cultures" [16]and "Scotland against Racism"[17] were launched aiming at promoting equality, social justice and challenge discrimination (Scottish Executive 2007).

Outcome of such campaigns seem to impact somehow positively on Gypsy Travellers as some interviewed Gypsy/Travellers indicated especially in relation to good relations with local, settled communities:

> They're absolutely fine. My neighbour is, is lovely. They're really nice. They get on ok with us (Gypsy/Traveller)

> The folk on the front (…) they're absolutely fine. They couldn't be nicer and the people next door they're absolutely fine (Gypsy/Traveller)

Despite reported improvement, based on interviews, Gypsy/Travellers are still a subject of verbal abuse and physical attacks. There are several examples in the literature of hostility and racial discrimination against Gypsy/Travellers communities (EHRC 2009, Clark 2006, Taggart 2007). Racial attitudes were common experiences expressed in interviews:

> We went into the pictures, the man asked us to get out. And I said 'why? I've got the money'. He called us 'Tinkers'. They got us chucked out. They were saying 'they are Gypsies' and they started it, we didn't want the hassle (Gypsy/Traveller)

However, it should be emphasised that racist practices are not always direct, but may be result of lack of acknowledgement of Gypsy/Travellers' culture and lack of flexibility in institutional arrangements or working practice.

> I don't know, sometimes maybe but you don't pick up on it and when you come home you think was that because I was… because I'm a traveller.
> You can walk down the town like anybody else but once I think people get to know you, you're sort, you're sort a start to feel that they treat you different (Gypsy/Traveller)

> At my father's funeral the police escorted us to the graveyard. There were

15. Four areas indicated by Scottish Executive were: Gypsy/Travellers, Asylum Seekers and Refugees, Race Equality in rural areas and labour market participation
16. For more information see: http://www.scotland.gov.uk/News/Releases/2007/01/26113250
17. For more information see: http://www.scotlandagainstracism.com/onescotland/CCC_FirstPage.jsp

> cameras. We knew nothing about it. We were being monitored. They must be expecting Travellers to fight. We didn't need the police to come. They could have asked us. […] (Gypsy/Traveller)

Whether direct racism and harassment require clear and resolute action to counter prejudice against Gypsy/Travellers communities, the hidden discrimination requires more focus and in-depth work.

In addition, it has been highlighted in the interviews that Gypsy/Travellers tend to hide their identity, in response to long term discrimination and exclusion. Hiding the identity of being Gypsy/Traveller was a method of protecting family from hostility, bulling and racial attacks:

> Normal circumstances nobody would ever know. Not unless they picked it up (Gypsy/Traveller)

> They don't know she is a Gypsy. They would not have offered her a placement. Things are now too hard, too difficult (Gypsy/Traveller)

The experience of long term discrimination and marginalization play an important part in construction of Gypsy/Travellers identity. There is a clear indication in the interviews that perception of the Gypsy/Travellers culture as problematic leads to community exclusion and isolation. Thus, the distinction of Gypsy/Travellers culture is often characterized as social underclass, therefore the discrimination toward this group is generally accepted by the settled society (Clark 2006).

> Somebody calls a coloured person names, everybody would go absolutely mad. But when they call us names, nobody does nothing much about it (Gypsy/Traveller)

Another issue contributing to Gypsy/Travellers discrimination is the negative images of this community in media coverage. Despite the EHRC (2010) attempts[18] to challenge prejudice towards Gypsy/Travellers in media, the stereotypical images in the media frequently alienate the Gypsy/Travellers culture. For example, the recent Channel 4 programme called "My Big Fat Gypsy Wedding" has increased interests and negative social attitudes towards Gypsy/Travellers:

> It's the same with this big fat gypsy wedding thing. Our kids get asked at the school what age they would get married (...) what age were they leaving school and what age would they get married at and have they will chose their dress. (Gypsy/Traveller)

After 10 years from Equal Opportunity Committee's inquiry (Scottish Parliament 2001), Gypsy/Travellers still face discrimination and exclusion in society. According to the recent survey on Attitudes on Discrimination (Scottish Government 2010) a third of the population in Scotland express diverse forms of prejudice against Gypsy/Travellers. This has further implication and challenges the acknowledgement of special needs of Gypsy/Travellers in service provision. On the other hand, it has been pointed out in interviews that the institutional arrangements, for example in education and accommodation services, cannot

18. The EHRC (2010) issued media guide informing about Gypsy/Travellers culture, economics and issues in accessing education, health and accommodation services. The booklet contains information about key issued affecting Gypsy/Travellers in Scotland and it aims to serve as a resource for journalist while writing about Gypsy/Travellers communities

accommodate the needs of Gypsy/Travellers communities. Therefore, there is a need for leadership and mainstream structure that would coordinate service provision for Gypsy/ Travellers communities.

Summary of areas of concern:

- Despite improvement in perceptions and relations between Gypsy/Travellers and settled communities, the interviews provide examples of racial harassment and discrimination against Gypsy/Travellers communities

- Based on interviews, Gypsy/Travellers tend to hide their identity to protect their families from discrimination

- Stereotypical perception of Gypsy/Travellers communities in media coverage have a negative influence on Gypsy/Travellers life

Chapter 8: Snapshot of key research on Gypsy/Travellers in Scotland. The Scottish Scenario: 10 Years On.

A recent research work carried out by the EHRC 'Inequalities experienced by Gypsy / Travellers communities: A review' (2009) provides a comprehensive map of contemporary Scotland. Besides offering an exhaustive outline of the relevant policy framework, this study highlights the main issues within major policy areas vis-à-vis Gypsy/Travellers across the UK. Its findings and recommendations are valuable to better comprehend the situation and to adequately address it.

Another 2009 research carried out by the EHRC 'Assessing local authorities' progress in meeting the accommodation needs of Gypsy and Traveller communities in Scotland - Final Report'. The study 'suggests that 'progress' in relation to Gypsy/Travellers site accommodation is complex and the situation in Scotland is far more difficult to interpret'. Further, the study states that 'as a result, it is unclear whether local authorities' 'progress' on site provision has been adequate or inadequate'. Thus, the overarching conclusion is 'that more work needs to be done at both a local and national level in order to better understand the current use of sites and what need (if any) there is for further site/pitch provision are' (EHRC 2009: 12).

Amnesty International, Scotland – had led a robust campaign to support and advocate for Gypsy/Travellers in Scotland. Amongst its various activities figure: delegations to European Consulates in Edinburgh (to address the treatment of Gypsy and Roma across Europe); to lobbying local media; raising awareness; hosting a blog to discuss issues affecting Gypsy/Travellers in Scotland; forging relations and alliances with other organizations and agencies committed to support Gypsy/Travellers; engaging with petitions concerning Travellers' matters, etc. (see Appendix 3).

Further, Amnesty has also led on a research work across Scotland's 32 local authorities to address the numerous concerns over the situation for Scottish Gypsy Traveller communities – especially for service delivery. Its result will be published this year, and – along with EHRC's data about local authorities' performance in meeting Gypsy/Travellers accommodation needs – will represent a valuable starting point to assess the situation 'ten year on'.

8.2 Whatever happened to the 37 recommendations?

As this study sought to investigate, the impact of the 2001 "Inquiry into Gypsy/Travellers and Public Sector Policies" poorly resonates amongst Scottish Gypsy/Travellers. Whenever asked about the famous 37 recommendations produced by the inquiry in the not-too-distant 2001, respondents showed no awareness of this policy nor its recommendations. They simply said, as this Gypsy woman, *"no, absolutely nothing. I did not even know there really was any"*. Young Gypsy/Travellers claimed of not knowing how the Scottish Government operates. However, they were keen to say that when it comes to Travellers, *"they do little things; they are the ones that put us on sites. They don't understand us in a way".*

The 2001 inquiry inaugurated a season of dialogue between Scottish authorities and the Travelling community at large in Scotland. The limited impact of the ambitious 37 recommendations can be attributed to numerous factors. As made apparent by the above

quote, the overarching issue hindering implementation and success is a structural failure to understand travelling culture on the part of the authorities, at multiple levels, and the sedentary bias that regulates policy discourse at the expense of nomadic populations. A group of teenage Travellers reflects upon the limits that hinder communication and understanding stemming from the communities: *"[the authorities] don't understand us in a way; it is not their fault because some Travellers would not speak to them, which they should"*. As noted by another young woman, *"Scottish Gypsies keep to themselves, we are very private, very secretive, that is fine".*

Contrary to approaching Gypsy/Travellers as a homogeneous population, a young Traveller reminds us of the heterogeneity of the Travelling community and its needs: *"we are all different, sometimes you get loads of different Gypsies. You get Welsh, Scots, Irish, English".* The blanketing approach to Scotland Travelling communities has been detrimental on numerous levels. A Romanichal woman says: *"we want to be who we are, we don't want to be put in a box".* The Authorities' top-down approach, and rather paternalistic, negatively impacts upon the integration, participation and inclusion of the Gypsy Travellers' community. A Traveller woman wishes: *"our life more normal like everybody else's.. We always seem to stand out even if you don't want to"*. As this quote plainly puts it, it is imperative to shift approach to a more inclusive and participatory one. Rather than separating communities - as council sites seem to do, by removing Travellers from the landscape of the mainstream community and confining them to peripheral and not easily accessible areas – there is a need for cohesion. As put by a Traveller woman, *"nobody wants anything done. You have a problem because you made us a problem. We want to be left to do what we want, ourselves. People want to help themselves, be allowed to help themselves. We want to participate in society".*

The above quote strikes at the core of the problem: there is a need to acknowledge agency, independence and responsibility of the Gypsy Traveller communities and to refrain from adopting a paternalistic approach. Listening to their voice is only a first step to realize the so much invoked, inclusive Scotland.

The issues highlighted by respondents from the Gypsy Traveller community, resonate with and complement the concerns raised by other respondents from various agencies (i.e. police, NGOs, site managers, etc). Lack of leadership was identified as a major issue preventing successful implementation of the 37 recommendations. A representative of ACPOS (The Association of Chief Police Officers in Scotland) states that *"what we need is leadership from Government […] Government should make sure that local authorities comply, respond and provide".* On a similar note, a representative of the EHRC (Equality and Human Rights Commission) says that *"we need leadership at political level. We need ministers and we need councillors to be coming out and saying 'We have to house these people'"*. An academic with decennial research experience on Scottish nomadic people concurring with both ACPOS and EHRC's points about leadership, maintains that *"progress has been limited because there is no political will. The Scottish Government can recommend local authorities, but if there is no stick, how can they monitor and assess? […] councillors should not get away with saying what they say"*. Similarly, a representative of the SGTLRC said that: "*at the end of the day if it's left up to local authorities whether it's housing, whether it's education, social work, whether it's anything it's no gonnae happen*". It becomes apparent that there exists a problem of accountability in relation to local authorities and a lack of coordination from central government. A focus group with site managers from numerous areas across Scotland brought to the fore this issue even

more prominently: *"there is a void between central and local government. When the Equal Opportunity Committee (2001 Inquiry) stepped in, we thought the void had been filled – but it has not. I see a circle and we are back again"*. As the EHRC representative points out, *"ten different local authorities, ten different policies. How is this going to work?"* Along these lines, a representative of ARTICLE 12 commented: "*It needs to be ring-fenced. It has to because it will just not happen".*

Further, a representative of the SGTLRC (Scottish Gypsy Traveller Law Reform Coalition) – when asked to comment about the role of the Gypsy/Travellers Liaison Officers (usually employed by local authorities) said that: "*I don't think they should be employed by the Council, I think that they should be stationed at the Citizens Advice Bureau, 'cause that's more independent"*.

This lack of coordination trickles down to site managers' level. The seven respondents who act as site managers across Scotland all had different job descriptions, responsibilities and – more importantly – were employed in different services and departments. Whilst highlighting the diversity of local authorities, this made very apparent a lack of coordination that significantly hinders their work. Indeed, majority of site mangers participants pointed out fact that there job is *"a loner job, we need more communication. We need continuity in site managers' meetings, but many site managers cannot attend due to job descriptions, financial pressures, this is bad". Another points out that: "the political will is not there. There is not a central strategy; we don't have a government body telling us 'what's happening'.* ***We are going back to pre-2001".***

As one site manager puts it: *"finances are an issue"*; as noted by the EHRC representative, applying for funding is *"horrifically complicated and bureaucratic. […] but who is going to apply for the money if the councillors aren't going to give planning permission for the site. If you can't get this sorted out, the issue of funding is academic"*. Indeed, whilst some call for more funding, others have noted that existing funds are mis-managed or have remained unused and then withdrawn: *"thousands of pounds are still sitting in a pot because they [local authorities] have not decided what to do with it. We don't know if we have to give it back or not"*. Another site manager said that *"more money is spent on paper work than on the Gypsy/Travellers community"*.

8.3 Food for thought from Gypsy/Travellers and other respondents:

Based on interviews of Gypsy/Travellers and other stakeholders, numerous ideas were identified and suggestions were made in order to respond to the current challenges. Amongst the Gypsy / Travellers interviewed, there was a consensus that the community should be given more autonomy. As one-middle aged Gypsy Traveller puts it: *"we are what we are. We are a moving on people. They have to let people be independent. They pushed us for centuries and all of a sudden they want to throw us in. It cannot happen like this, it will take time. Things happen naturally. We want to participate in society"*. A shift in attitude has been invoked by nearly all other respondents. For instance, ACPOS representative asserts that *"we need to try and help them live their own lives".*

For the nomadic communities, this call for autonomy has concrete bearings on housing. According to many, such as this Gypsy woman, *"Travellers are encouraged to buy their land and to build. If they did run a site and put a Traveller in charge, that would*

work. They should let people run sites". This view was echoed amongst site managers and ACPOS representative who stated that: *"we need Gypsy/Travellers to be granted planning permission and to run their own sites".* Young Traveller respondents also wished for more private sites and for a better use of councils' *"waste grounds by the roadsides"*. But to achieve this, Gypsy / Travellers were quick to point to the need for more accessible and fairer planning permissions[19] *"to make your own camp so that your family can grow up in a good environment, but it is hard to get that. […] You are not allowed to live how you want to live"*.

Another point that came to the fore from interviews and focus groups is the need for an approach that ensures cohesion amongst local authorities. As the EHRC representative said, *"you have to take a regional approach to this"*. For the ACPOS representative, leadership is imperative on the side of the Scottish Government in terms of finances and political influence. According to some respondents, there is a need to find representatives of the Gypsy Traveller communities. According to the EHRC representative, *"we also need leadership inside the community, because you can't have the kind of family feuding going on which has led to the destruction of some sites. There has to be some degree of discipline within the community. If the councils are going to play fair, the community has to play fair equally"*. However, difficulties were stressed. For one site manager, *"what is lacking is an organized group, with an ambassador to represent them. But you'll never get a group to represent them. There is a minority which claims to represent a majority, but this is not well received. You can hardly get representation on one site, let along across the country".* Similarly, a representative of ARTICLE 12 and of the SGTLRC, stated that "*an umbrella organization*" would be needed.

According to a prominent academic, the way forward to achieve a balanced coordinated approach would be ***the creation of a forum which allows for a face to face dialogue between "Scottish Government and civil servants, academics and researchers, NGOs and Gypsy/Travellers".*** Further, there is a need for more research since there are *"small pockets, not coordinated […]. Research is patchy, it is usually done under the guise of something else: housing, diaspora etc…"*. EHRC representative says that "*there is quite a lot of hard research which we should be doing on things like health, social care, life expectancies etc…"* Further, it was argued that more focused research should find more resonance and have more impact upon the process of policy making. Finally, *"a lack of forethought for future generations"* was identified by one of the site managers when asked what needed to change.

19. Planning Aid Scotland has done tremendous work to support members of the Gypsy Traveller communities throughout their planning permission processes. It has also fostered more inter-agency work amongst other stakeholders.

Chapter 9: Recommendations

The following recommendations stem out of this mapping study and from engaging with various members of the Gypsy Traveller communities and other stakeholders. These recommendations seek to provide a stepping-stone towards identifying the reasons behind the shortcomings of the 2001 Inquiry and regaining confidence for positive changes in the future. The study proposes the following recommendations:

THE SCOTTISH SCENARIO: RECOMMENDATIONS

I. Legal Definition - Recommendations:

- There is a need for mainstream structure set up by Scottish Government to coordinate and evaluate programmes, activities and policies aiming at improving inclusion of Gypsy/Travellers communities

- Leadership and representation of Gypsy/Travellers community is required in political discourse

II. Accommodation - Recommendations:

- Revision of the definition of 'home' to include sites, which are homes to Gypsy/ Travellers

- Continuity of the site improvement and development grant

- Local authorities should develop better management of unauthorised encampments. This should involve Gypsy/Travellers communities in decision making processes.

- Gypsy/Travellers leadership is required to tackle tension between Gypsy/ Travellers communities in accessing council sites

- More innovative ways of conceiving sites (e.g. cooperatives) and a framework to enable Gypsy/Travellers to obtain planning permission and run their own small sites (lease and buy)

- Further research is required to access and understand the use and demand of council sites

- Mutual engagement and participation of public bodies, Gypsy/Travellers and civic society can be instrumental in exploring and progressing improvements in the provision of accommodation service

III. Education - Recommendations:

- Alternative and flexible methods of education that goes beyond education in schools should be developed. The process of consultations should involve Gypsy/Travellers communities. This would enable Gypsy/Travellers to play more

active role in setting up education service that would better answer their needs

- A more focused and responsive Anti-bulling strategies in schools (especially secondary) need to be developed to challenge the discrimination against Gypsy/ Travellers children.

- Promotion and development of greater engagement of Gypsy/Traveller communities in schools though involvement of Gypsy/Travellers in Parental Councils or specific project aiming at encouraging Gypsy Travellers to participate in schools activities

- Development of teaching staff trainings (though CPD) in dealing with racial discrimination and bulling in schools

- Development of lifelong learning services adequate to Gypsy/Travellers adults and children.

IV. Health - Recommendations:

- Cooperative work with Gypsy/Travellers in health promotion

- Producing dedicated information to Gypsy/Travellers about available health services

- Provision of training for health professionals to assist with service provision for Gypsy/Travellers

VII. Promoting good relations - Recommendations

- Stimulation of cooperative and partnership work to challenge Gypsy/Traveller exclusion. This should include mutual engagement of Gypsy/Travellers communities, public bodies and government

- Fostering greater knowledge about Gypsy/Travellers communities though more focused raising awareness regarding Gypsy Travelleers: e.g Gypsy/Travellers weeks, art exhibition etc

- Setting up structures for tdialogue between Gypsy/Travellers, local authorities and local communities to enhance mutual trust

- Setting up training initiatives for public sector bodies in the prevention of discrimination and prejudice against Gypsy/Travellers communities

- Making sure that acts of discriminations against Gypsy/Travellers are recognised and recorded in public sector. This may require appropriate accountability measures.

- Encourage media to adopt a code of conduct that will prevent presentation of information that may lead to, or initiate prejudice, racial violence or discrimination against Gypsy/Travellers communities

- Fairer and more accurate media and public representation which foster better relations between the settled and Gypsy/Traveller communities.

General recommendations:

- A concrete and regular framework for a multi-lateral **dialogue** involving the Gypsy/Traveller communities, officials from the local authorities and the Scottish government as well as NGOs, service providers and academic researchers

- There is an absence of adequate knowledge which allows identification of Gypsy/Travellers needs. Therefore, in order to improve provision of services, there is a need for more effective and representative statistical data that measure population of the Gypsy/Travellers as well their use of education, health and housing services.

- Greater cooperation and consistency among different regions in Scotland to challenge discrimination against Gypsy/Travellers

- **Leadership**:

    - Of public bodies in shaping attitudes

    - Of Gypsy/Travellers communities' representation in civic society

    - Of national leadership in coordination of actions aiming to challenge discrimination against Gypsy/Travellers communities

- Continuous monitoring, assessment of effectiveness and evaluation of actions aiming for greater inclusion of Gypsy/Traveller communities

The recommendations outlined in this study have been collated in the light of the data analysis and the policy/legislation review. Thus, it is hoped that central Government, local authorities and other relevant agencies, will engage with this work and its findings. Indeed, this study will hopefully be a pre-text for a *forum* in which policy and decision makers, Gypsy/Travellers, researcher and other stakeholders will come together to inaugurate a time of inclusive debates.

Apppendix 1: List Of Respondents

Total number of respondents: 29
19 Women
10 Men

- 6 adult members of the Gypsy/Travellers community in Scotland (areas: Ayrshire, Central Belt, Perthshire, Newmains)
- *10* Gypsy/Travellers young people (South Lanarkshire area)
- Representative of ACPOS (The Association of Chief Police Officers in Scotland);
- Representative of EHRC (Equality and Human Rights Commission);
- Representative of ARTICLE 12 (Rights Group in support of young Gypsy/ Travellers);
- Representative of STEP (Scottish Traveller Education Programme);
- Representative of SGTLRC (Scottish *Gypsy Traveller Law Reform Coalition*);
- Academic working in this field at a Scottish University.
- Gypsy/Travellers Liaison Officer North Lanarkshire Council,
- Site Manager North Ayrshire Council,
- Site Manager South Ayrshire Council,
- Site Manager East and Mid Lothian Council,
- Site Manager Stirling and Clackmannan Council,
- Site Manager Falkirk Council,
- Site Manager Dumfries *and* Galloway Council

Appendix 2: Inquiry Into Gypsy Travellers And Public Sector Policies: (2001 Summary Of Recommendations)

Recommendation 1
Capitalisation of the term Gypsy Traveller, or Gypsy and Traveller where used separately, should be adopted in all official minutes and reports by the Scottish Parliament, the Scottish Executive, local authorities and other public bodies.

Recommendation 2
All legislation and policies should be framed on the understanding that Gypsy Travellers have distinct ethnic characteristics and should therefore be regarded as an ethnic group, until such time as a court decision is made on recognition as a racial group under the Race Relations Act 1976.

Recommendation 3
Gypsy Travellers should be clearly identified as a specific community of interest in the implementation of the Equality Strategy, following which, it is recommended that:

· there must be consultation with and participation in decision making by Gypsy Travellers, through their representation on working groups within the local authority area on public service provision and policy and their inclusion as service users in the monitoring and evaluation of policy and practice, and this must be monitored;

· to support consultation and partnership working, Gypsy Travellers and their representative organisations should be included in the provision of funding and other resources for community development and capacity building;

· the employment of Gypsy Travellers in public services should be promoted and encouraged through education, training and recruitment strategies.

Recommendation 4
New provision or site improvement programmes should be developed in consultation with Gypsy Travellers and representative organisations, on issues of location, design, facilities and services:

· the design of amenity chalets should conform to both the Below Tolerable Standards and Standard Amenity for housing, such as space standards, heating, energy, insulation, kitchen and W.C. facilities;

· the provision of community services and facilities on sites, such as community meeting places, play facilities, barrier-free and adapted amenity chalets, should be included;

· that once the Housing (Scotland) Act has passed onto the statute books the Scottish Ministers should further explore (for the purpose of future amendments to housing legislation) the issues of accrual of discount for settled housing, consultation with relevant associations and tenants' rights to succession etc.

Recommendation 5
Scottish Homes as the new Executive Agency will have responsibility for the regulation of local authority services for Gypsy Travellers. This role should include:

· local needs assessment for Gypsy Traveller accommodation, including residential and short stay sites, as a component of the local housing strategy;

· the provision of development funding for improvements to current sites and new site provision, where needs are identified;

· guidance on improving site management standards, policy and procedures which are appropriate to Gypsy Travellers' lifestyles and needs, to include consideration of socially affordable rents, equitable fuel costs and reasonable pitch retainer fees.

Recommendation 6
The definition of "home" for the purposes of future amendments to housing legislation should be reconsidered to include sites, which are homes to Gypsy Travellers. Such recognition and redefinition would facilitate:

· a review of alternative management and ownership arrangements for local authority sites, which should include options for community ownership, tenant management co-operatives and registered social landlords (RSLs);

· the development of a model tenancy agreement for Gypsy Traveller sites managed by local authorities and RSLs.

Recommendation 7
A review should be undertaken by local authorities and the Executive Agency of the key role of site managers in providing support and information services for site residents, including job description, person specification, recruitment and training.

Recommendation 8
Appointment by local authorities of a designated Gypsy Traveller Liaison Officer (GTLO) (a role separate from but requiring close working with site managers) is recommended. The role of the GTLO would be developing information and support services for Gypsy Travellers in the local area and appropriate mechanisms for consultation.

Recommendation 9
Private sites should be subject to the regulations and standards applicable to local authority sites. The monitoring and enforcement of these standards by local authorities should include consultation with and participation by site users.

Recommendation 10
Local planning authorities should be required to identify the need for Gypsy Traveller site provision and land for sites in statutory plans, using Community Planning frameworks, which include Gypsy Travellers.

Recommendation 11
National good practice guidance for local authorities and police forces on the management of unauthorised camping should be developed, based on a clearly articulated national policy taking into account the Scottish legislative context and in consultation with all stakeholders. Guidance should include:

· the provision of facilities by local authorities, such as water, toilets, skips and rubbish

collection, where requested by the Gypsy Travellers using the camp;

· the need for strategic planning by the local authority, including local protocols and agreements with other agencies and Gypsy Travellers to develop consistent approaches to the management of unauthorised camping.

Recommendation 12
Gypsy Travellers should be as an identified as an ethnic group in policies on racial harassment and be included in related training and awareness raising for all those involved in the provision of housing.

Recommendation 13
The impact of allocation policies on the needs and lifestyle of Gypsy Travellers applying for social housing should be reviewed. Specific issues relating to Gypsies and Travellers should be included in local homelessness strategies

Recommendation 14
The aims and objectives of the single regulatory framework for Scottish Homes, as the new Executive Agency, should include working with:

· the local authority to assess the needs of Gypsy Travellers, including those who wish to travel, for accommodation (sites and housing) for the local housing strategy;

· social housing providers to develop innovative models of housing provision (such as group or extended family housing).

This should be undertaken in consultation with Gypsy Travellers, with reference to innovative developments elsewhere in the UK and Europe.

Recommendation 15
Existing funding arrangements should be reviewed to support school and pre-school by providing additional resources where Gypsy Travellers access school education, such as:

· education support for teachers;

· additional grant when Gypsy Traveller children enter the school part- the way through the school year;

· provision of transport between sites and schools through the use of school buses and schemes such as voluntary drivers;

· assistance with school uniforms.

Recommendation 16
Whilst access to the core curriculum and the development of literacy and numeracy skills remains essential at the secondary level, more flexible provision in relation to vocational and work based learning should be considered for older children and young people, in consultation with Gypsy Travellers.

Recommendation 17
Alternative approaches to school education should be explored, where needs are identified in consultation with Gypsy Travellers, including:

· the development of innovative projects in delivering education services, such as distance learning and the use of computers in conjunction with outreach support, and dissemination of good practice;

· encouraging education authorities to support families providing home education;

· community rooms or portacabins provided on sites to facilitate education provision, outreach support and to build links between schools and Gypsy Traveller families;

· pre-school provision should be promoted and on site alternatives to school based services provided;

· the development of special education services, which are relevant and sensitive to the lifestyle and cultural values of Gypsy Travellers;

· research should be undertaken on how schools engage with parents and welcome them into schools (for example through direct teacher contact, through Parent Teacher Associations and Governing Boards) and how the confidence of Gypsy Travellers in their use of education services could be developed through targeted projects.

Recommendation 18
Research and good practice guidance on how schools engage with parents and welcome them into schools, for example through teacher contact, PTAs and Governing Boards.

Recommendation 19
The role of the education system in promoting good relations between the Gypsy Traveller and settled communities should be acknowledged and supported by education authorities by the Scottish Executive Education Department. Guidelines on initial teacher training and Continuing Professional Development should clearly identify Gypsy Travellers as an ethnic group in relation to training on equality, social justice and anti-discriminatory practice.

Recommendation 20
Monitoring of anti-bullying strategies, use of the anti-bullying network and Childline, should include Gypsy Travellers as a separate ethnic group. Practical guidance on good practice and training to support schools and teachers should include specific reference to issues relating to Gypsy Traveller children.

Recommendation 21
Evaluation of pilot projects and examples of good practice relating to adult learning, access to vocational qualifications through community and further education should be disseminated and further developed in consultation with Gypsy Travellers.

Recommendation 22
Gypsy Travellers should be included as a separate ethnic group in all systematic ethnic monitoring of education services to measure progress in meeting targets, for the educational inclusion of Gypsy Traveller children and improvements in their educational attainment.

Performance indicators for school inspections should include specific reference to Gypsy Travellers. The recent HM Inspectorate of Education (HMIE) report "on Alternatives to School Exclusion" could have provided an opportunity to identify such an approach.

Recommendation 23
Further work is required on developing the information base on Gypsy Traveller children throughout the education system, clearly identified as an ethnic group, so that their needs can be included in strategic planning and policy development.

Recommendation 24
Consideration should be given by local authorities to ring-fencing or top-slicing resources for specific initiatives and interventions for education provision for Gypsy Travellers, for alternatives to school education and to encourage and support school attendance.

Recommendation 25
Gypsy Travellers should be included in the strategic planning of education services and the impact of their participation monitored to ensure that their views are considered and listened to.

Recommendation 26
Research should be commissioned by the Scottish Executive to establish the health and health needs of Gypsy Travellers in Scotland, including specific research on health issues arising from environmental factors relating to accommodation.

Recommendation 27
Guidelines on initial training and Continuing Professional Development of NHS staff, including GPs and hospital doctors, should clearly identify Gypsy Travellers as an ethnic group in relation to training on equality, social justice and anti-discriminatory practice and promote awareness of and sensitivity to the needs of Gypsy Travellers in relation to health care.

Recommendation 28
New services and improvements to existing services should be developed in consultation and monitored, to establish whether targets are being met and that the services meet Gypsy Traveller needs

Recommendation 29
Funding systems should be reviewed, clearly explained and transparent, to ensure that there are no disincentives for GP practices in registering Gypsy Travellers. Resources for the maintenance or mainstreaming of pilot projects that develop good practice in the provision of health care for Gypsy Travellers should be made available to Health Boards.

Recommendation 30
Resources for the maintenance or mainstreaming of pilot projects that develop good practice in the provision of health care for Gypsy Travellers should be made available to Health Boards, with particular reference to the use of patient hand-held records.

Recommendation 31
Gypsy Travellers should be targeted for specific health promotion campaigns, such as immunisation, accident prevention, child development, and women's health issues, including screening.

Recommendation 32
Where a Gypsy Traveller Liaison Officer is appointed their specific responsibilities should include consultation with Gypsy Travellers, promoting appropriate service provision, providing information and support to Gypsy Travellers in accessing public services.

Recommendation 33
Gypsy Travellers should be included in the strategic planning of personal social services, including community care, and the impact of their participation monitored to ensure that their views are considered and listened to:

· locally based initiatives and services should be reviewed to ensure that criteria do not disadvantage mobile groups such as Gypsy Travellers;

· consideration should be given to developing the confidence of Gypsy Travellers in their use of social services through targeted projects.

Recommendation 34
Racial diversity strategies and training materials for the police and other relevant bodies in the criminal justice system should include reference to Gypsy Travellers as a separate ethnic group.

Recommendation 35
Schemes should be developed to promote the confidence of Gypsy Travellers in the police, whether contact relates to experiences as victims of crime, racial harassment or as suspected offenders:

· one of the recommendations of the final report for consultation of the Promoting Social Inclusion (PSI) Working Group on the Needs of Travellers in Northern Ireland (2001) was a pilot scheme for a legal rights worker to be appointed. The role would be to liaise with police, support workers and Travellers, raise awareness of legal rights and advocate on behalf of Travellers. A key feature of the proposed scheme was that a trainee position should be funded for a Traveller to gain appropriate skills and knowledge by shadowing the legal rights worker. A similar project should be considered for Scotland.

Recommendation 36
Policing practices and arrangements should continue to be reviewed and specific monitoring of relations between Police and Gypsy Travellers relations established. Guidance should be provided for use by the Police in working with Gypsy Travellers, as:

· victims of crime, including racist incidents and harassment;

· when evicting Gypsy Travellers from unauthorised camps;

· to ensure that Gypsy Traveller communities are not over-policed.

Recommendation 37
To support the recognition of Gypsy Travellers as a distinct ethnic group and commitment by public services to develop policy and service provision based on such an approach:

· to encourage local authorities and other public bodies to use the opportunity of the Race

Relations (Amendment) Act 2000 to promote equality of opportunity for Gypsy Travellers in Scotland;

· in consultation with Gypsy Travellers, to develop school based campaigns to raise awareness and resources for use by schools, community and youth groups;

· to include Gypsy Travellers in any anti-racism campaigns aimed at challenging racial discrimination and promoting good relations in Scotland, as a specific ethnic group and to include them at an early stage in consultations on the campaign.

Appendix 3: Amnesty International Recommendations

- reconvening the Gypsy/Traveller Strategic Group, which met during 2005 and 2006, and tasking it with producing a specific, time-bound national action plan
- returning to the 2001 Equal Opportunities Committee report and producing an updated performance scorecard, setting out how outstanding recommendations will be addressed
- auditing public body compliance with the duty to promote good race relations, with particular reference to Scottish Gypsy Travellers
- pressing the Scottish Housing Regulator to demonstrate how it is delivering on its mandate to regulate local authority site provision, with the last such activity being a Communities Scotland review in 2005/6
- auditing the consideration given to Scottish Gypsy/Travellers in Local Housing Strategies across Scotland, and the results delivered
- reinvigorating support for local authorities to establish a network of transit sites in order to reduce the incidence of unauthorised camps and thereby reduce tensions between Gypsy/Travellers and local settled communities. This must extend beyond simply making funding available to encompass political support for identifying land and taking planning applications to completion
- addressing existing community tensions through interventions to bring stakeholders around the table, such as the recent meeting of interested parties in the north-east of Scotland chaired by the Minister for Housing and Communities
- promoting cross-party initiatives to stand up to negative stereotyping of Gypsy/Travellers in the media
- using a human rights framework to make explicit the Gypsy Traveller right to cultural and family life and access to housing, health and education, alongside the settled community rights to property and privacy, so that the needs to each community can be respected and balanced as solutions are progressed
- mainstreaming consultation with the Gypsy Traveller community

REFERENCES

Bauman, Z., (2004), Wasted Lives: Modernity and its Outcasts, Cambridge Press

Bowers, J., (2004), Travellers' tales, *Health Service Journal*, Dec, 114 (5936) pp. 26-28

Bhopal, K., (2004), Gypsy Travellers and Education: Challenging NEEDS and Changing Perspectives, *British Journal of Educational Studies*, 52:1, pp 47-64

Braid, D., (2002), *Scottish Traveller Tales: lives shaped though stories*, Mississippi: University of Mississippi Press

Brekke, J.P. (2004), *While We Are Waiting: Uncertainty and Empowerment among Asylum Seekers in Sweden*, Oslo: Institute for Social Research

Bromley, C., Curtice, J., Giveven L., (2007), *Attitudes to Discrimination in Scotland: 2006 Social Attitudes Survey*. Edinburgh: Scottish Centre for Social Research. Available at: http://www.scotland.gov.uk/Publications/2007/12/04093547/1, Accessed 01November 2011

Brown, P., Niner, P., Lomax D.,(2009), *Assessing local authorities' progress in meeting the accommodation needs of Gypsy Travellers communities in Scotland* – Final Report, Equality Human Rights Commission Research Report 44, Available at: http://www.equalityhumanrights.com/uploaded_files/Scotland/Research/gt_final_report.pdf, Accessed 21 October 2011

Centre for Racial Equality (CRE) (2004), Gypsies and Travellers. *A Strategy for the CRE*. London: CRE

Clark, C., Kendrick, D., (1995), *Moving on. The Gypsies and Travellers of Britain*, University of Hertfordshire Press

Clark, C. (1997), Educational Space in the European Union:Social Exclusion or Assimilation of Gypsy/Traveller Children?, *Social Work in Europe*, 4:3, pp 27-33

Clark, C., (1998), *A Step Change in Travellers Education*, Leicester, National Association of Teachers of Travelling

Clark, C. (1999), 'Race', Ethnicity and Social Security: The Experience of Gypsyand Travellers in Britain*, Journal of Social Security Law*, 6: 4, pp 186- 202

Clark, C., (2006), Defining ethnicity in a cultural and socio-legal context: the case of Scottish Gypsy/Travellers, *Scottish Affairs*, 54, pp 39-60

Commision for Racial Equality (CRE) (2004), *Gypsies and Travellers. A Strategy for the CRE 2004 - 2007*, London: CRE

Commission for Racial Equality Scotland (CRES) (2006a), *Scottish Gypsy/Travellers Strategy: CRE Scotland 2006-2007*, Edinburgh: CRES

Commission of the European Communities (2004) *Proposal for a Council Decision Europa Press Release IP/08/1326 (2008) Summit promotes joint commitment to improve inclusion for millions of Roma* http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1326&type=HTML

Communities Scotland (2002), Services for Gypsy/Travellers, Thematic regulation studies, Available at: http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_servicesforgyps_ia47f1dfa6.pdf, Accessed 21 October 2011

Council of Europe Union (2010), Council conclusions on advancing Roma Inclusion, 3019th EMPLOYMENT, SOCIAL POLICY HEALTH and CONSUMER, AFFAIRS Council meeting, Luxembourg

Council of Europe (2011), *The United Kingdom's Third Report to the Council of Europe Under the Framework Convention for the Protection of National Minorities*

Craigforth (2007), *An Accommodation of Needs Assessment of Gypsy/Travellers in West Central Scotland*.

Dawson, R. (2002), *Scottish Traditional Travelling Families*, Derby: Robert Dawson Publication

Department of Education and Skills (DfES) (2003), *Aiming High: Raising the Achievement of Gypsy Traveller Pupils*, London: DfES

Department of Health (2004), *Standards for better health*, Available at: http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4132991.pdf, Accessed: 23 October 2011

Equality and Human Right Commission Scotland (2009), *Gypsy Travellers in Scotland, resource for the media,* Available at: http://www.equalityhumanrights.com/uploaded_files/Scotland/gypsy_travellers_in_scotland_-_a_resource_for_the_media__pdf_.pdf, Accessed on 20 October 2011

Equality and Human Rights Commission (2009) *Gypsies and Travellers: Simple solutions for living together*, Available at: http://www.equalityhumanrights.com/key-projects/good-relations/gypsies-and-travellers-simple-solutions-for-living-together/, Accessed on 21 October 2011

EU Media Centre (2008), *Summit promotes joint commitment to improve inclusion for millions of Roma*, Europa Press Release IP/08/1326. Available at: http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1326&type=HTML, Accessed 20 October 2011

EU Media Centre (2009*), EU platform for Roma Inclusion*, Available at: http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/193&type=HTML, Accessed 20 October 2011

Europa MEMO/09/193 (2009) *EU Platform for Roma Inclusion* (Prague, 24 April 2009) http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/193&type=HTML

European Commission Roma Portal (2009*), Vademecum, 10 Common Basic Principle for Roma Inclusion*, Available at: http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf, Accessed 20 October 2011

European Commission (2010) Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions

European Council (2010), *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions The social and economic integration of the Roma in Europe*, Available

at:http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0133:EN:HTML, Accessed 20 October 2011, Accessed 10 October 2011

European Commission (2010), *European Commission Staff Working Document. Roma in Europe: The implementation of the European Union Instruments and Policies for Roma Inclusion*- Progress report. Available at: http://www.statewatch.org/news/2010/apr/eu-com-roma-inclusion-sec-400-10.pdf, Accessed 01 November 2011

European Commission (2010), *Roma in Europe: The implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010*, Brussels, Available at http://www.statewatch.org/news/2010/apr/eu-com-roma-inclusion-sec-400-10.pdf, Accessed 01 November 2011

European Commission (2010), The social and economic integration of the Roma in Europe , Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0133:EN:NOT, Accessed 01 November 2011

European Council (2000), *Lisbon European Council*, Available at: http://www.europarl.europa.eu/summits/lis1_en.htm

European Council (2011), *Third report submitted by Sweden pursuant to article 25, paragraph 2 of the framework convention for the protection of national minotries*, ACFC/SR/III (2011) 003, Available at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_SR_Sweden_en.pdf, Accessed 21 October 2011

European Union Agency for Fundamental Rights (2009) *EU-MIDIS Data In Focus Report: The Roma,* Available at: http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_EN.pdf, Accessed 21 October 2011

Gilroy, P. (2000), *Between Camps: nations, cultures and the allure of race*, London: Penguin

Goward, P., Repper, J., Appletonn, L., Hagan, T., (2006), Crossing boundaries. Identifying and meeting the mental health needs of gypsy travellers, *Journal of mental Health*, 15 (3), pp 315 -27

Guglielmo, R., and Walters, Timothy William (2005) Migrating Towards Minority Status: Shifting European Policy Towards Roma, *Journal of Common Market Studies*, 43: 4, pp763-785

HMIE (2005), *Taking a closer look at: Inclusion and Equality– meeting the needs of Gypsies and Travellers,* Available at: http://www.hmie.gov.uk/documents/publication/hgiosmnog.pdf, Accessed on 01 November 2011

Home Office (2009) Hate Crime Action Plan http://library.npia.police.uk/docs/homeoffice/hate-crime-action-plan.pdf

Jacobsen K., and Loren L., (2003)The Dual Imperative in Refugee Research: Some Methodological and Ethical Considerations in Social Science Research on Forced Migration, *Disasters*, 27(3), pp 185–206

Jordan, E. (2001a), Exclusion of Travellers in state schools, *Education Research*, 43:2, pp. 117-132

Jordan, E. (2001c), Interrupted learning: the Traveller paradigm, *Support for learning,* 16:2, pp 117-32

Law, I. et al (2008) *Ethnic Relations in the UK* (University of Leeds: EDUMIGROM)

Department for Work and Pensions (2008) *Working Together: UK National Action Plan on Social*
Inclusion, Available at: http://www.dwp.gov.uk/publications/policy-publications/uk-national-report/uk-national-action-plan/#furtherinfo, Accessed 21 October 2011

Liegeois, J.P (1998), *School provision for Ethnic Minorities: The Gypsy paragim*, Hatfield, University of Hertfordshire press

Lloyds, G., McCluskey G., (2008), Education and Gypsies/Travellers: contradictions and significant silences', *International Journal of Inclusive Education*, 12:4, pp 331-345

Lloyds, G., Stead, J., (2001), 'The Boys and Girls Not Calling me Names and the teachers to believe Me'. Name calling and Experience of Travellers in school, *Children and Society*, 15, pp 361 -371

Mason J. (2002) *Qualitative Researching*. Thousand Oaks: Sage Publications

McKinney R., (2003) View from the Margins: Gypsy/Travellers and the ethnicity debate in the new Scotland, *Scottish Affairs*, No 42

Ofsted Publication Centre (2004), *Provision and Support for Travellers Pupils*. Lonodn: Ofsted Publication Centre

Parry, G., Glenys Parry, G; Van Cleemput, P; Peters, J; Moore, J; Walters, S;Thomas, K; Cooper, C (2004), *Health Status of Gypsy Travelers and Travellers in England*, Shefield: University of Shefield

Rapley (2007) "Interviews" in Gobo, G. *et al* (eds.) *Qualitative Research Practice*. London: Sage

Reid, W. (1997), Scottish Gypsy/Travellers and the folklorists, in Acton T., Mundy T., (eds.) *Ramani Culture and Gypsy Identity*, Hatfield: University of Hertforshire Press

Richardson, J., Bloxsom, J., Greenfield, M., (2007), *East Kent Sub-regional Gypsy and Traveller Accommodation Assessment Report* (2007 – 2012), Leicester: De Montfort University

Scottish Government (2008), *Housing Need and Demand Assessment Guide*, Available at: http://www.scotland.gov.uk/Resource/Doc/1125/0057729.doc, Accessed 21 October 2011

Scottish Executive (2001), *The Scottish Executive response to the Equal Opportunities Report, 2001 – Inquiry into Gypsy Travellers and Public Sector Policies. Edinburgh*: Scottish Executive

Scottish Executive, (2004) *Delivering for Scotland's Gypsies/Travellers: An updated response to equal opportunity committee inquiry into Gypsy/Travellers and Public Services*, Available at: http://www.scotland.gov.uk/Publications/2004/06/19513/39159, Accessed 25 October 2011
Scottish Executive (2004), *Guidelines for managing unauthorized camping by Gypsy/Travellers in Scotland,* Available at*: http://www.scotland.gov.uk/Resource/Doc/30859/0023522.pdf, Accessed 22 October 2011*

Scottish Executive (2005), *Delivering Health for Scotland*, Available at: http://www.scotland.gov.uk/Publications/2005/11/02102635/26356, Accessed 23 October 2011
Scottish Executive (2005) *Review of Race Equality work in Scotland: A summary of the review and the way forward,* Available at: *http://www.scotland.gov.uk/Publications/2005/11/1881943/19435,* Accessed 15 October 2011

Scottish Executive (2006), *High Level Summary of Equality Statistics: Key Trends for Scotland. Education,* Available at: *http://www.scotland.gov.uk/Publications/2006/11/20102424/8,* Accessed 23 October 2011

Scottish Executive (2007) One Scotland many Cultures*, Available at: http://www.scotland.gov.uk/News/Releases/2007/01/26113250,* Accessed 25 October 2011

Scottish Executive (2008), Scottish Planning Policy, SPP3*, Available at: http://scotland.gov.uk/Resource/Doc/233260/0063937.pdf,* Accessed 21 October 2011

Scottish Executive (2008), *Race Equality Statement*, Available at: http://www.scotland.gov.uk/Resource/Doc/1137/0075231.doc, Accessed 01 November 2011

Scottish Executive, (2009), *Gypsy/Travellers in Scotland: The Twice yearly Count- No 16: July 2009,* Available at: http://www.scotland.gov.uk/Publications/2010/08/18105029/5*,* Accessed 21 *October 2011*

Scottish Government (2010), *Scottish Social Attitudes Survey 2010: Attitudes to Discrimination and Positive Action,* Available at: *http://www.scotland.gov.uk/Publications/2011/08/11112523/0, Accessed 01 November 2011*

Scottish Housing regulator (2006), *Performance Standard*, Available at: http://www.scottishhousingregulator.gov.uk/stellent/groups/public/documents/webpages/shr_servicesforgyps_ia47f1dfa6.pdf, Accessed 23 November 2011

Scottish Parliament (2001), *Inquiry into Gypsy Travellers and Public Sector*, Polices Volume 1, Edinburgh: The Scottish Parliament

Scottish Parliament (2001), *Inquiry into Gypsy Travellers and Public Sector*, Polices Volume 1, Edinburgh: The Scottish Parliament
Scottish Parliament (2005), *Equality Opportunity Committee Report*, SP Paper 432, Available at: http://archive.scottish.parliament.uk/business/committees/equal/reports-05/eor05-05.htm

Seidman, I. (1998) *Interviewing as qualitative Research*. London: Teachers College Press. P.3.

Shubin, S. (2011) “Where Can a Gypsy Stop?” Rethinking Mobility in Scotland. *Antipode*, 43, 494-524

Smart, H., Titlerton, M., Clark, C., (2003), Literatire review of the health of Gypsy Traveller families in Scotland: the challenges for health promotion, *Health Education*, 103:3, pp 156-165

Smith, J. (2003), *Tales from the tent: Jessie’s Journey Continues*, Edinburgh: Mercat Press

Smith, J., (2005), *Tears for a Tinker: Jessie’s Journey Continues*, Edinburgh: Mercat Press

STEP (2006), *Impact of national guidance: Inclusive educational approaches for Gypsy and Travellers: within the context of interrupted learning school and practice*, Project 7, Available at: http://www.scottishtravellered.net/research/impact_natguidance.pdf, Accessed 25 October 2011

Targgart, I., (2007), *Moving on – again? A survey of Gypsy/Travellers' view in the North East of Scotland*. LLM., Aberdeen: University of Aberdeen, Available at: http://www.aberdeenshire.gov.uk/privatehousing/Movingonagain.pdf, Accessed 24 October 2011

Tripathi, Dhananjay (2010) Roma Question: Reflecting the Internal Debate within the European Union, *ALTERNATIVES: Turkish Journal of International Relations* Vol. 9, No. 3, pp 1-7

Reding, V., Andor, L., Malmstrom, C. (2010) *The situation of Roma in France and in Europe ,* Available at: http://www.statewatch.org/news/2010/sep/EC-Roma-France-report.pdf, Accessed 01 November 2011

Whyte, D., (2001), *Scottish Gypsies and other Travellers: a short history*, Blackwell: Dawson

Legislations:

The Housing (Scotland) Act 2001
http://www.legislation.gov.uk/asp/2001/10/contents

Education (Additional Support for Learning (Scotland) Act 2004;
http://www.legislation.gov.uk/asp/2004/4/contents

Education (Additional Support for Learning) (Scotland) Act 2009
http://www.legislation.gov.uk/asp/2009/7/contents

Equality Act 2010:
http://www.legislation.gov.uk/ukpga/2010/15/contents

Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002
http://www.scotland-legislation.hmso.gov.uk/legislation/scotland/ssi2002/20020062.htm

Race Relations (Amendment) Act 2000
http://www.homeoffice.gov.uk/raceact/welcome.htm

Standards in Scotland's Schools etc Act 2000:
http://www.legislation.gov.uk/asp/2000/6/contents

BEMIS
The Centrum Building
Third Floor
38 Queen Street
Glasgow G1 3DX

Tel: 0141 548 8047
Fax: 0141 548 8284

www.bemis.org.uk

e: mail@bemis.org.uk

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