



Making Rights Real, Scotland

Report to the Committee on the Elimination of Racial Discrimination (CERD) as part of the UK's examination at the 113th Session in August 2024.

04/07/2024

1.0 Background

Making Rights Real (www.makingrightsreal.org.uk) is a small human rights NGO based in Scotland that supports grassroots communities who have been marginalised to name and claim their human rights. Founded in 2020, using a human rights based approach, our main areas of work have been alongside women and girls' groups and members of the Gypsy Traveller¹ community in Scotland.

We do not work across the whole United Kingdom and focus our work on Scotland.

We have been working with three Gypsy Traveller communities in two Local Authority areas in Scotland (Fife and Perth and Kinross) to gather evidence of their concerns and highlight these in this report ahead of CERD's examination of the UK at its 113th Session in August 2024. We hope the Committee will find this evidence that has come direct from human rights defenders we are working alongside helpful.

Other NGOs and community groups representing Gypsy Travellers may also be submitting evidence with direct experience of people most impacted by breaches of human rights.

2.0 Areas of Concern

As a recognised ethnic minority group, Gypsy Travellers retain a range of domestic and international protections. "In spite of these protections, Gypsy Travellers in Scotland remain one of the most marginalised groups, experiencing racialised inequalities in outcomes for health, education, poverty and face direct discrimination."²

Our work alongside members of the community highlight that Gypsy Travellers are victims of racial discrimination in Scotland. Evidence collected

¹ The Scottish Gypsy Traveller community is not a homogenous community, is diverse in nature and therefore the term of designation (officially Gypsy Traveller) can be disputed with some preferring Traveller and others preferring Gypsy Traveller, as is people's right to self-define. In this report we use the term Gypsy Traveller.

² *Our Human Rights Matter: Human Rights Monitoring Report by Residents of Double Dykes Traveller Site, Perth* (Aug 2023), p.2. <https://makingrightsreal.org.uk/wp-content/uploads/2023/11/FINAL-DD-Report-Aug23.pdf>

from direct testimony and research carried out by Gypsy Travellers is being investigated by the Scottish Human Rights Commission³.

There are several areas of concern for Gypsy Travellers we have been working alongside in the Fife and Perth and Kinross Local Authority areas of Scotland, which we would like to highlight.

These include:

1. Tinker Experiments⁴ - failure by the State to issue an apology and redress to victims
2. Failures in the right to accommodation
3. Hate crime - failure to prosecute hate crime against Gypsy Travellers
4. Evidence of other forms of discrimination against Gypsy Travellers.

We have informed the Scottish Human Rights Commission (SHRC) of these concerns, and we understand their *List of Themes*⁵ for consideration at this session of CERD includes some of these themes.

3.0 Tinker Experiments

There is widespread evidence of forced settlement of Gypsy Travellers by the State into 'Tinker Experiment'^{6 7 8 9 10} sites in Scotland. Despite direct campaigning by the rights holders most impacted and significant media interest on this issue, there has been little action by the State towards an apology, nor redress for the Tinker Experiments or the intergenerational trauma experienced by the victims involved. One resident of Bobbin Mill, the first and only remaining Tinker Experiment site commented;

³ https://www.scottishhumanrights.com/blog/commission-hears-the-human-rights-concerns-of-the-gypsy-traveller-community-in-scotland/#_edn1

⁴ From conversations with community members, we recognise this term has been used as a derogatory term to the community. However, community members request that in relation to the 'Tinker Experiment' this term be used to highlight the injustices they have faced.

⁵ *NHRI Input to the List of Themes for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland (UK) under article 9 of the Convention on the Elimination of All Forms of Racial Discrimination* (SHRC: May 2024)
<https://www.scottishhumanrights.com/media/2651/cerd-list-of-issues.pdf>

⁶ <https://www.thenational.scot/news/24031536.cultural-genocide-scotlands-gypsy-traveller-community/>

⁷ <https://bylines.scot/lifestyle/history/the-tinker-experiment/>

⁸ <https://www.bbc.co.uk/programmes/m001p77p>

⁹ <https://www.heraldscotland.com/news/18117533.scandal-tinker-experiment-demands-apology-scotlands-treatment-gypsy-travellers/>

¹⁰ <https://blog.historicenvironment.scot/2023/06/persecution-of-gypsy-travellers-in-scotland/>

"I expect an official apology for the years of torture, inhumane and degrading punishment without consent; a clear and unequivocal violation of international law -- when the Scottish Government is ready to issue one!"

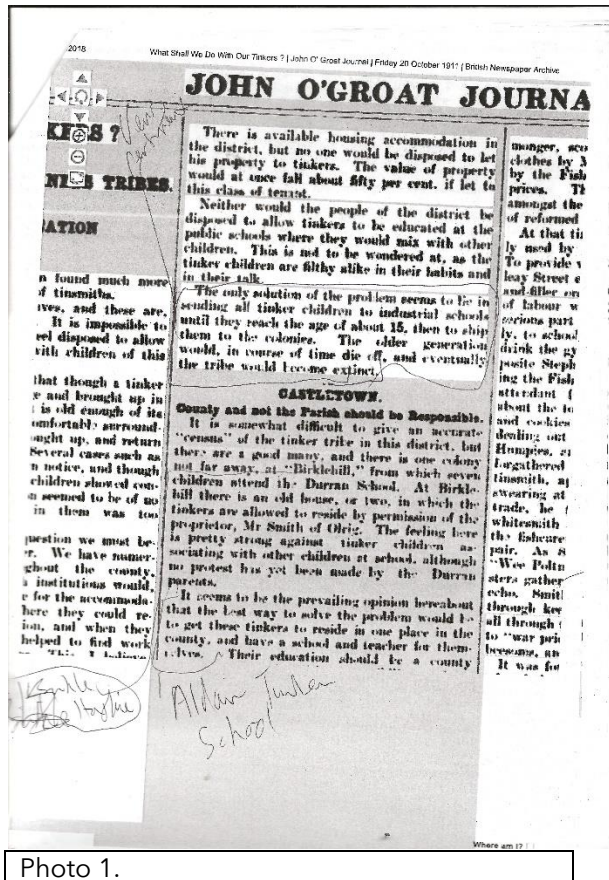


Photo 1.

Photo 1:

This newspaper cutting from the John O' Groats Journal in 1911 highlights the long-held discrimination against Gypsy Travellers, describing people as a "problem".

"The only solution to the problem seems to lie in sending all tinker children to industrial schools until they reach the age of about 15, then to ship them to the colonies. The older generation would, in course of time die off, and eventually the tribe would become extinct."

"It seems to be the prevailing opinion that the best way to resolve the problem would be to get these tinkers to reside in one place in the country and have one school and teacher for them..."

4.0 Right to culturally appropriate accommodation

Evidence from human rights defenders in the Gypsy Traveller communities we are working alongside highlight breaches to the right to culturally appropriate accommodation set out in CERD: Article 5 (e) (iii)¹¹.

Tarvit Mill, Cupar, Fife

A community of 100+ Gypsy Travellers living at Tarvit Mill - a Local Authority provided Gypsy Traveller site in Fife - are experiencing human rights violations regarding their accommodation and living conditions. They are advocating for themselves and organising about the way that we have been treated with regards to the development of their site - which has left families in poor quality temporary accommodation for over a year.

¹¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

They have questions about why their site has been marked for development for the past six years, and is worsening, despite funding being paid as part of the Scottish Government Gypsy Traveller Accommodation Fund¹².

The cumulative effect of the failure to move forward with site improvements in a timely way means that tenants are experiencing significant and deteriorating human rights impacts.



Photos 2 and 3 of the derelict site at Tarvit Mill where renovation work has been stalled.

Residents are gravely concerned about the following (in their own words):

“Right to Housing which is culturally acceptable

We have a Right to Adequate Housing (Article 11.1 of the 1966 [International Covenant on Economic, Social and Cultural Rights](#)) which includes the right to housing which is culturally adequate. The UN states that “Housing is not adequate if it does not respect and take into account the expression of cultural identity.”

The United Nations Committee on Economic, Social and Cultural Rights has underlined that the right to adequate housing should not be interpreted narrowly. Rather, it should be seen as the right to live somewhere in security, peace, and dignity. The characteristics of the right to adequate housing are clarified in the Committee’s general comments No. 4 (1991) on the right to adequate housing.

Whilst we welcome that Fife Council is upgrading the site we have significant concerns about the process:

Timescale for completing improvements

We have been told since 2019 that Tarvit Mill will be upgraded. We have repeatedly raised concerns in meetings with Fife Council staff about the lack of information regarding timescales to upgrade the site, and since the Scottish Government made the funding award to the Council in 2021/22 to upgrade the site, this lack of information has continued.

¹² [Gypsy/Traveller accommodation fund and site design guide: children's rights and wellbeing impact assessment - gov.scot \(www.gov.scot\)](#)

The Council was to issue a tender for the contracted work to take place in November / December 2023. At our meeting with Fife Council on 27 May 2024 we were informed there has still been no tender issued and no information available regarding the programme of works. At a recent meeting with Fife Council on 24 June 2024 we were told that a tender would no longer be issued, and the works would take another year to complete.

Inadequate accommodation

Since June 2023 tenants have been moved off site to a temporary base at Tarvit Mill and some have been decanted to settled accommodation.

In the year since we have been moved, there has been little progress on site improvement works and during that time we have experienced serious issues relating to the accommodation provided. For people on site, these issues have included overhanging trees being dangerous to residents; issues with sewage and drainage; no access to play facilities for children (breaching Article 31 of UNCRC provisions for the Right to Play).

For families who have been living in settled accommodation since June 2023, the length of time that children have spent away from their friends and culturally appropriate accommodation has been traumatic. They must now endure another year away from their community. This is simply unacceptable and a breach of Article 5 (e) (iii) in the Covenant on the Eradication of Racial Discrimination (CERD).

In addition, there are issues with a lack of mobile phone signal and issues with residents receiving postage, which has been repeatedly reported to Fife Council without resolution. The impact on this has been residents missing calls from schools, GP and other medical appointments, impacting on rights holders' enjoyment of CERD Article 5 (e) (iv) right to accessible healthcare and Article 5 (e) (v) Right to Education.

Tenants are reporting negative impacts on our physical and mental health.

There is no accountability at a senior level by the duty bearer Fife Council for these unacceptable delays, nor at the Scottish Government level in terms of overseeing this work."

Residents have raised these concerns with the Scottish Minister for Equalities, Ms Kaukab Stewart MSP, the Leader of Fife Council (who are the

landlord and duty bearer), the Scottish Human Rights Commission¹³ and the Scottish Housing Regulator.

The Scottish Housing Regulator have indicated they are invoking their power to investigate if the rights of the residents have been breached.

Double Dykes, Perth

In a resident-led grassroots human rights monitoring project, residents at Double Dykes Gypsy Traveller site in Perth had concerns that fall under the remit of CERD about their enjoyment of¹⁴:

- Children's Rights: UNCRC: Article 31 (1)
 - 75% disagreed that their area was safe for children
 - 75% said that youth facilities were 'poor'
- Right to accommodation: CERD Article 5 (e) (iii):
 - 87.5% experienced **five or more** issues in their accommodation in the last six months
 - Dampness mould - 87.5%
 - Heating not working - 50%
 - Sewage / drainage issues - 75%
 - 87.5% reported problems with rats and mice infestations
 - Insect infestations - 50%
- Right to participation
 - 50 % said they were not involved at all about decisions made on their accommodation

Bobbin Mill, Pitlochry, Perth and Kinross

Gypsy Travellers at Bobbin Mill in Pitlochry, which was one of the original Tinker Experiment sites have long endured poor quality accommodation. In human rights monitoring carried out by residents in 2023, residents expressed grave concerns about the lack of action on their accommodation issues and their enjoyment of the right to accommodation: CERD Article 5 (e) (iii).

Every resident (out of four participating) experienced:

- Inadequate heating
- Dampness / mould
- Sewage / draining issues
- Problems with the fabric of the building
- Mice / rat infestations

¹³ Response from the SHRC to concerns raised by residents
<https://www.scottishhumanrights.com/media/2671/letter-to-tarvit-mill-residents.pdf>

¹⁴ *Our Human Rights Matter: Human Rights Monitoring Report by Residents of Double Dykes Traveller Site, Perth* (Aug 2023) <https://makingrightsreal.org.uk/wp-content/uploads/2023/11/FINAL-DD-Report-Aug23.pdf>

Comments by residents included:

"Generally [we have a] very poor standard of accommodation that requires urgent repairs if not complete overhaul - needs demolished altogether, and official apology issued."

"There hasn't been a lot of involvement regarding any future plans for Bobbin Mill. Had to fight tooth and nail to get any present issues dealt with."

*"Poor heating system, poor insulation, poor window quality. Too expensive to heat my home. There is no heating system! Four windows were broken by youths shouting, "dirty t**k!" What are radiators? No electricity, water!"*



Pictures 3, 4, 5 are of homes at Bobbin Mill homes c. 2009.

These were replaced by surplus second hand chalets from a holiday home park in 2010.

Current homes are inadequate, and there are no plans to upgrade the site by the Local Authority.

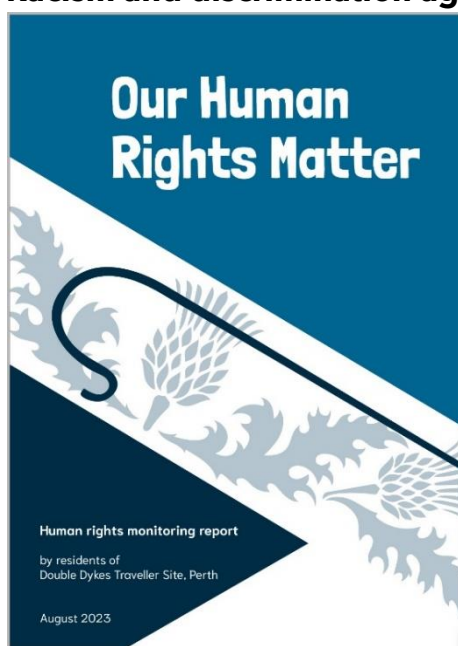
"Regarding accommodation at Bobbin Mill, I think that very significantly, the Council had two opportunities to provide something new in 2005-6 and again now with the new [Scottish Government] upgrade fund but deliberately chose to exclude us from the process for flimsy reasons and provide new accommodation twice in 16 years at Double Dykes - that decision (abetted by the State Party which awarded the funding) lacks proportionality. For that, Bobbin Mill was the first Tinker Experiment site (without question), and we shall demonstrate how it meets 4/5 of the criteria on Genocide set down by the UN Committee on Genocide; notwithstanding the Covenants that almost every other UN Committee seeks to uphold." (Bobbin Mill resident).

In addition, residents at Bobbin Mill are in a current dispute with Local Authority planners to oppose the development of a brewery and bar close to their homes. Planning permission was granted despite resident's objections and giving no consideration to their ethnic minority status, nor the State's human rights obligations to minority groups.¹⁵

These detrimental examples highlight the ongoing systematic racism and discrimination experienced by Gypsy Travellers in Bobbin Mill which has a cumulative impact on the health and wellbeing of this community and their fullest enjoyment of rights.

We welcome that SHRC has reported in its *NHRI Input to the List of Themes for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland (UK) under article 9 of the Convention on the Elimination of All Forms of Racial Discrimination* that "Gypsy/Traveller communities experience significant barriers to culturally appropriate housing including due to stigma and discrimination."¹⁶

5.0 Racism and discrimination against Gypsy Travellers



In a 2023 grassroots human rights monitoring project, residents at Double Dykes Gypsy Traveller site in Perth and Kinross uncovered widespread discrimination against the Gypsy Traveller community¹⁷. This breaches CERD Article 2.

Findings reveal that 87.5% of residents witnessed or faced racism, hate speech, or discrimination based on various traits.

Additionally, 87.5% experienced direct verbal abuse, and 37.5% reported ongoing bullying. The following is resident testimonials highlight the distressing consequences of such discrimination:

¹⁵ https://www.theguardian.com/world/article/2024/jun/23/gypsy-travellers-community-scotland-brewery-taproom-wildlife?CMP=Share_iOSApp_Other

¹⁶ *NHRI Input to the List of Themes for the Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland (UK) under article 9 of the Convention on the Elimination of All Forms of Racial Discrimination* (SHRC: May 2024) <https://www.scottishhumanrights.com/media/2651/cerd-list-of-issues.pdf>

¹⁷ *Our Human Rights Matter: Human Rights Monitoring Report by Residents of Double Dykes Traveller Site, Perth* (Aug 2023) <https://makingrightsreal.org.uk/wp-content/uploads/2023/11/FINAL-DD-Report-Aug23.pdf>

"Have had racism all my life - it is not as bad now."

"I am always getting verbally abused, at times getting looks from the settled community making you feel (terrible). I feel anxious".

"I have been to a tenants' meeting where a tenant from a local area has turned and said we are here because of "the dirty Travellers". When asked why he said that he said one of the Council workers who was involved in housing has said that to him and other tenants."

6.0 Hate crime - failure to prosecute hate crime against Gypsy Travellers

There are significant concerns from Gypsy Traveller communities in Perth and Kinross, that Police Scotland are failing to record hate crime against them and that the Crown Office and Procurator Fiscal Service (COPFS) are not following the law correctly.

One Traveller ("SY") has shared her lived experience:

SY was subject to racist verbal abuse, but when she reported the incident to the police, they advised her that a crime had not been committed. SY challenged this decision, and two months later, the incident was recorded and investigated as a crime. However, due to the time elapsed, CCTV was no longer available. SY submitted a complaint to the police and most of her complaint was upheld. She received an apology, but this apology cannot cure the defects in the investigation and the incident has had a big effect on SY. She says: *"They did nothing, instead they just let him away with it. It sends a message that no Gypsy Travellers are safe. It took a lot of courage for me to report this. When Gypsy Travellers go to the police they get ignored, they do nothing - it is not fair, and it leaves people so alone and isolated."*

Police Scotland have advised that the perception of the victim is one of considerations in deciding whether to prosecute an incident as a hate crime.¹⁸ However, despite SY perceiving the incident to be racist, in response to her request for a review of their decision not to pursue a prosecution, the COPFS stated:

"I note that the accused is unknown to you and therefore there is no evidence to support that he would have known that you are from the travelling community, or that such a word would be considered by those in travelling community as racial slur".

¹⁸Police Scotland
<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.scotland.police.uk%2Fspa-media%2F5yagp2ye%2Fhate-crime-national-guidance.doc&wdOrigin=BROWSELINK>

7.0 Other examples

Other examples of human rights concerns by Gypsy Travellers, we have evidence of include:

- Two primary school age children were not provided a school place by the Local Authority and their mother's concerns were brushed off. Both children missed almost one year of school. This breaches CERD Article 5 (e) (v) Right to education and UNCRC Article 28 (1a). When MRR contacted the Children and Young People's Commissioner for Scotland, they contacted the Local Authority, and a school place was provided within two days.
- Evidence of racism, discrimination and detriment for one disabled woman - healthcare provider is providing a poor service, leaving her in pain and distress. She is pursuing a formal complaint. This breaches CERD Article 5 (e) (iv) Right to healthcare.
- Gypsy Travellers being denied access to goods and services in Scotland, in breach of the UK Equality Act (2010). Examples include not being served in restaurants, entertainment complexes. This breaches CERD Article 5 (f) the right to access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.
- Gypsy Travellers are reporting poor access to legal services in Scotland and this was highlighted as an issue when Perth and Kinross Council aimed to change residents' tenancy agreements on their Gypsy Traveller sites. Tenants were not able to access legal advice regarding tenancies. We are exploring this alongside University of Glasgow Law School as an area for further research.
- Gypsy Travellers we are working alongside note a lack of respect, and dignity by duty bearer staff. This comes across as an overarching theme in their interactions with public authority staff.

8.0 Conclusions and Questions

Making Rights Real is gravely concerned about the racism experienced by the Gypsy Traveller community in Scotland by a range of duty bearers.

We request that CERD asks:

- What actions are the Scottish Government taking towards an apology and redress for victims about the Tinker Experiments in Scotland?
- What actions are being taken to improve accommodation above the threshold where the right to an adequate standard of living is not breached, for Gypsy Traveller communities in Scotland?
- What actions are the Scottish Government taking to ensure that regulatory systems for public services in Scotland embed human rights

obligations and schemes of redress for rights holders to enable adequate access to justice on human rights concerns?

- What action is the Scottish Government taking to ensure that hate crimes against Gypsy Travellers are properly recorded, investigated and prosecuted?
- How are duty bearers centring human rights in their services, planning and financial decision making in Scotland?