

Article 12 in Scotland

Response to the United Kingdom's Fourth Report to the *Council of Europe* under the *Framework Convention for the Protection of National Minorities*

March 2016



www.article12.org

International Convention on the Elimination of All Forms of Racial Discrimination [1965]

Article 7: States Parties undertake to adopt immediate and effective measures particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this convention.

Council of Europe Framework for the Protection of National Minorities [1995]

Article 6 [1]: The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, linguistic or religious identity, in particular in the fields of education, culture and the media.

Introduction

1. *Article 12 in Scotland* believe that governments, professionals, and the wider community all have a role to play in building an environment that respects, values and validates the contributions of young people. We work to achieve this by supporting some of the most marginalised young people, such as young Gypsy/Travellers, young people looked after by the state and young people experiencing mental ill-health to, inter alia, undertake research to identify needs and concerns relating to their participation rights, and have those needs and concerns given due weight and attention by key decision makers at local, national and international levels.

Context and purpose

2. The situation for Gypsies/Roma/Travellers in the United Kingdom [UK] is often not viewed to be as acute as the situation for Gypsy/Roma/Travellers in Eastern Europe. However, in consultation with members of the Scottish Gypsy/Traveller community, it is clear that they feel largely excluded from mainstream society. Additionally, despite Gypsy/Travellers having ethnic status in the UK, their experience of ‘authority’ is that it often favours and listens to the claims of those who enjoy full citizen rights, something which, as a result of ethnicity, they are often denied.¹
3. This submission aims to demonstrate the lack of improvement [for Gypsies/Roma/Travellers] since the last submission to the *Advisory Committee on the Framework Convention for the Protection of National Minorities*, Third Opinion on the United Kingdom adopted 30 June 2011, and argue that the significant and persistent inequalities affecting Gypsies/Roma/Traveller communities will not reduce until systems are in place that afford Gypsies/Roma/Travellers and their advocates legal right of remedy to the discrimination faced by their community at all levels of society.

Planning processes and accommodation

4. It is well documented that the significant lack of culturally sensitive accommodation i.e. trailer [caravan] and temporary halt sites, coupled with poor access to basic provisions such as health and education, is having a detrimental impact on the lives of Gypsy/Travellers. Current government policies are not adequate in exerting legal pressure on local authorities to take due regard of their duties under the *Housing [Scotland] Act [2014]* to allocate secure tenure for the community. Due to a lack of halting places, Gypsy/Travellers are being forced into bricks and mortar accommodation causing isolation and increased risk of mental ill-health as a result of being separated from their culture.²

¹ Article 12 in Scotland [2010]: *Getting it Right for Young Gypsy/Travellers*.

² Anglia Ruskin University [2014]: *Gypsy, Traveller and Roma: Experts by Experience, Reviewing UK Progress on the European Union Framework for National Roma Integration Strategies*. Online at: <http://bit.ly/1pydST3>

In an interim summary of her visit to the UK, Ms Raquel Rolnik [2013] *UN Special Rapporteur on the Rights to Adequate Housing*, had the following to say about the accommodation needs of Gypsy/Travellers:

'In closing, let me also mention that during my visit I have also received multiple testimonies on the shortage of sufficient, adequate and safe sites for Gypsy and Traveller communities across the United Kingdom, many of whom feel this is part of the stigma and discrimination they regularly face by Governments and society as a whole. Despite multiple efforts and policies put in place to address this situation, it is fair to say that leaving local authorities to make their own decisions with no accountability and national process to reconcile the Gypsy and Traveller communities with settled communities remains a source of concern.'

5. It is of serious concern that the UK Government has attempted to re-define Gypsy/Travellers in recent planning laws despite this being a direct violation of several human rights conventions.³ Further, there is fear within the Scottish Gypsy/Traveller community that failing to be granted planning permission and a lack of adequate accommodation is a direct tactic to eradicate Gypsy/Traveller culture and traditions.⁴

Democratic participation

6. From evidence voiced by the Gypsy/Traveller community, it stands that free and meaningful participation in decision making processes is key to ensuring the community's views and concerns are taken into account so that we can meet the needs of diversity across Scotland and the UK. Ethnic status should not cause or pose barriers to people accessing their fundamental human rights nor should it mean that a community who do not always 'fit' with the 'mainstream' be denied basic services and facilities such as water, sanitation, education and health.
7. Having had poor access to mainstream structures, the community are often not able to access the skills or training necessary for participating in decision making processes in protecting their interests against a powerful majority. In addition, there are currently few mechanisms available to the community that show any dedication to effectively represent their views and needs.

The media

8. The continued negative, disrespectful and overtly racist way in which certain representatives of the British media portray the Gypsy/Traveller community has long been one of *Article 12 in Scotland's* key concerns: not only for the safety and well-being of the Gypsy/Traveller community but also as a barrier to positive change and bridge building with members of the

³ Department for Communities and Local Government [2015]: *Planning Policy for Traveller Sites*. Online at: <http://bit.ly/1Upep2f>

⁴ Article 12 in Scotland [2016]: *Planning Processes in Scotland: A Gypsy/Traveller Perspective*. Online at: <http://bit.ly/1o5Pw1M>

settled community. The prevalence of unbalanced reporting continues to create prejudice, perpetuating dangerous stereotypes and fostering racial hatred against the Gypsy/Traveller community.⁵

National Union of Journalists: Code of Conduct

9] Produce[s] no material likely to lead to hatred or discrimination on the grounds of a person's age, gender, race, colour, creed, legal status, disability, marital status, or sexual orientation.

Young Gypsy/Travellers' Lives volunteer:

'The media targets us, there is never anything positive said about Travellers and they always stereotype us. It makes people judge us.'

Hate crime

9. The Gypsy/Traveller community are victims of disproportionate levels of hate crime. So much so that the community often take this as a 'norm' of everyday life. There remains a lack of trust in coming forward to report incidents. An overall societal attitudinal change has to take place in order to support the community to challenge the discrimination and abuse Gypsy/Travellers suffer on a daily basis.⁶

Young Gypsy/Travellers: Fife, Scotland:

'We used to have bricks thrown at us and called names every day at one site, but you just get used to it.'

'Hate crime – broken windows or egged windows; police don't listen to us, they listen to settled people before us.'

10. In response to the recommendations of the *Scottish Parliament's Equal Opportunities Committee*⁷ which, inter alia, reflect the points of this submission, the *Scottish Government* committed to develop a National Strategy for Gypsy/Travellers. Three years on, the Strategy remains 'under development'. The *Scottish Government* has committed to re-visiting the Strategy in May 2016. Given the aforementioned delay, we urge the *Scottish Government* to complete and publish their proposed National Strategy as soon as is practicably possible.

⁵ Article 12 in Scotland [2016]: *Young Gypsy Travellers' Lives: Online Media Audit [2011-2014] Consolidated Report*. Online at: <http://bit.ly/1RkaDWs>

⁶ Article 12 in Scotland [2015]: *I Witness: the UNCRC in the United Kingdom, Young Gypsy/Travellers Voices*. Online at: <http://bit.ly/1SOPys0>

⁷ Scottish Parliament, Equal Opportunities Committee [2013]: *Where Gypsy/Travellers Live*. Online at: <http://bit.ly/1UuS5cw>