Factsheet

Scottish Gypsy Travellers and their rights: Exploring the added benefits of a human rights-based approach to Scottish policy underpinned by ICERD

My name is Maria Pirvu, and I am an LLM Human Rights student at the University of Edinburgh. I'm passionate about policy, advocacy, and supporting communities. Working with minority groups in Northern Ireland showed me the challenges that marginalised communities face and how these can affect their quality of life, which inspired me to do this research. Through this project, I aimed to combine my hands-on experience with my academic knowledge to create research that helps to improve the lives of Scottish Gypsy Travellers by identifying gaps and opportunities for strengthening current government strategies.

The research explores the human rights challenges faced by Scottish Gypsy Travellers communities, assesses how effective the Scottish Government's policies are in improving their lives, and suggests ways to strengthen their rights based on international standards. The focus is on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the international treaty that legally protects minority rights, and on the Gypsy/Traveller Action Plan (GTAP) as the main policy aimed at supporting Gypsy Travellers. The research uses a human rights-based approach, informed by the PANEL principles, which stand for:

(1) Participation

(2) Accountability

(3) Non-Discrimination

(4) Empowerment

(5) Legality

It evaluates how well the GTAP addresses each area. Each chapter examines one principle, from the legal foundation to practical measures like non-discrimination and empowerment, with recommendations for better supporting SGT rights in Scotland.

The research discovered that overall, the Gypsy/Traveller Action Plan (GTAP) aligns with international standards under ICERD and does have some positive impact of the fulfilment of SGT's rights. Nevertheless, it falls short in addressing the root causes that prevent SGT communities from fully realising their rights and does not effectively fulfil minority and human rights commitments. *GTAP lacks effective implementation and insufficient measures for tackling hate crimes, promoting public trust, and enabling direct participation in decision-making processes, all challenges that hinder SGT from having their rights fulfilled. There is also limited accountability and accessibility in reporting discrimination, which affects the quality of life for SGT communities. Overall, the research suggested that setting actionable goals in addressing the root causes of SGT's human rights breaches and marginalisation would enhance GTAP's outcomes, strengthening inclusivity and equality for this community.*

PANEL Principle	Issues discovered	Recommendations	Duty bearer/s it applies to
Legality	The legality section explores: - The legal framework of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), - ICERD's application in Scotland - How the Gypsy/Travellers Action Plan (GTAP) aligns with these obligations.	No recommendations have been provided in this section as this chapter established the legal framework of the research	Not applicable

Non-discrimination	- Scottish Gypsy Travellers still face racism, hate speech, or other forms of discrimination[1] - Law enforcement agencies failed to record and promptly address hate crime incidents[2]	- Elaborate guidance related to the Hate Crime Act and Strategy's application and benefit for SGT - Make tackling hate crime an element of the Gypsy/Travellers Action Plan	Law enforcement agencies and policymakers responsible for GTAP
Empowerment - Accessibility	There is a systemic lack of trust in public authorities that Scottish Gypsy Travellers face due to the Tinker Experiment, which led to a reluctance of engaging with public authorities.	Include an accessibility strategy in GTAP	Policymakers responsible for GTAP
Empowerment - Raising Awareness		Incorporate Human Rights Education in GTAP manifested through outreach programmes	Policymakers responsible for GTAP
Participation	While there are mechanisms of participation for Scottish Gypsy Travellers, the government should also consider strategies in enabling them	Incorporate GTAP in wider policy areas to enable SGT direct participation in decision-making	Policymakers responsible designing minority

[1] See Making Rights Real, 'Our Human Rights Matter: A Human Rights Monitoring Report by residents of Double Dykes, Perth' (Making Rights Real 2023) https://makingrightsreal.org.uk/wpcontent/uploads/2023/11/FINAL-DD-Report-Aug23.pdf accessed 17 May 2024, p. 17

[2] See Human Rights Consortium Scotland, 'International Covenant on Civil and Political Rights: NGO Written Contribution for States Parties under Review 140th Session a Report for the Human Rights Committee on Behalf of the Human Rights Consortium Scotland (HRCS) with Contributions From: JustRight Scotland, CEMVO Scotland, Age Scotland, the Equality Network, Scottish Youth Parliament, Howard League Scotland, Humanist Society Scotland, Making Rights Real, Inclusion Scotland, Scottish Commission for People with Learning Disabilities (SCLD)' (Human Rights Consortium Scotland 2024) https://makingrightsreal.org.uk/wp-content/uploads/2024/02/Final-Submission-to-the-HRC-140thSession-HRCS.pdf accessed 16 June 2024, p.6

	to access direct representation in decision-making.		participation strategies at governmental level
Accountability	GTAP lacks monitoring and accountability mechanisms	Establish a feedback mechanism as part of GTAP	Policymakers responsible for GTAP