

# **ACTS CHURCH AND SOCIETY NETWORK**

## **A Report on the Churches' attitude to the Travelling Community in Scotland**

### **1. Introduction**

1.1. During the 2008 Storytelling Festival in Edinburgh, a monologue entitled "Sorry is the Hardest Word" was performed by Jess Smith at the Scottish Storytelling Centre. It took inspiration from the oral traditions of the Travelling Community and raised issues with their treatment by the Government and the Churches in Scotland. Rev Russell McLarty (a Church of Scotland minister based in Edinburgh), who has had a longstanding interest in Scottish storytelling, was in the audience. After asking Mrs Smith a question, he was forcibly struck by the depth of feeling of both historic and present injustices experienced by Travellers in Scotland. Mrs Smith asked that the Churches in Scotland support the Travelling Community in seeking legal recognition by the Scottish Government of their ethnic identity. Mr McLarty resolved to bring the issue to the attention of the Churches. It came first through the General Assembly of the Church of Scotland, to Action of Churches Together in Scotland (ACTS) and then to the Scottish Churches Racial Justice Group (SCRJG) which recommended that an ecumenical working group be set up to prepare a report. The Group now offers this report to the Member Churches of ACTS for their consideration.

### **2. What is the Scottish Travelling Community?**

2.1. There have been Travelling people in Scotland for many centuries and there has been considerable movement and interchange with Travellers from the rest of the UK, Ireland and mainland Europe. The historical origins of Travelling people are uncertain and there is considerable debate about this issue both within the Travelling Community itself and those who study it. There may be elements of truth in the various theories of origin. It has been suggested that places of origin include Hungary, Egypt and India, among others. It has been claimed that the word 'gypsy' derives from an old term meaning "little Egyptian" which was used to refer to Travelling people.

2.2. New-Age and Occupational Travellers, such as show people, although being people who have a nomadic lifestyle, would not be recognised by the traditional Traveller Community as sharing a common ethnic root or being part of the culture of the historic Travelling Community. Travellers self-identify as Travellers whether or not their lifestyle is nomadic. There is a strong sense within the Traveller Community that it forms a distinct ethnic group and, while being diverse, its members have a strong sense of being interrelated. This is strengthened through use of a common language. The word 'gypsy' is, in fact, being reclaimed by many in the Travelling Community in order to distinguish themselves from Occupational and New-Age Travellers. These other groups are not considered in this report.

2.3. The Traveller Community itself is not homogeneous and it is difficult even to find a single term which adequately defines it. Gypsies, Irish Travellers and Roma are all included under the general term 'Travellers.'<sup>1</sup> However, there are strong elements of shared culture which reinforce a sense of common identity. These include, among

other things: myths of origin; language, commonly known as Cant; and rules concerning food and hygiene.

- 2.4. The oral tradition provides a fundamental link between past and present and gives definition to the Travelling Community's understanding of itself. Although the Scottish Government carries out a Twice Yearly Count of Travellers, it is impossible to gain an agreed figure for the number of Travellers in Scotland. The Scottish Government's two official counts in 2008 ranged from 897 to 1,547<sup>2</sup>. However, it is known that a sizeable proportion of the Travelling Community does not take part in these counts, which are limited to sites provided by local authorities. Travellers themselves estimate their community to be as large as 20,000.
- 2.5. There is much to be celebrated in Traveller culture. Oral tradition, ballads, folk tales, customs and close family and community values underpin much of Scotland's culture. In a society in which much has happened to fracture and eliminate community, the Travelling Community has done a great deal to preserve much which is of value.

### **3. Housing and Access to Land**

- 3.1. Fundamental to the identity of Travellers is the ability to lead a nomadic life. Increased legislation regarding tenancy and land ownership in the latter half of the twentieth century has had a negative impact on the Travelling Community. Some of the legislation, in a series of local 'Gypsy Encampment' orders laid before parliament between 1987 and 1991, was directed at removing the Travellers from specific areas and restricting where they might stop, while other legislation (such as education, health and welfare provision) also incidentally affected the Travelling Community<sup>3</sup>. Access to traditional sites has increasingly been restricted and Travellers who have bought land have experienced difficulties in developing that land.
- 3.2. The European Convention on Human Rights has recognised that Gypsies and Travellers should not be evicted from illegal sites if this is detrimental to their health and culture<sup>4</sup>. However, stopping places have become harder to find with many previous options becoming closed and many Travellers have felt forced either to settle or travel less frequently.
- 3.3. The provision of suitable sites for Travellers varies considerably across the country. There is considerable criticism, raised for example by Amnesty International, that Scottish local authorities are not meeting their obligations under human rights and equal opportunities legislation. A representative from Aberdeen City Council has told the Scottish Parliament that policy with regard to Traveller housing needs to be clarified by an Act of the Scottish Parliament, as it would ensure that Councils were obliged to provide an acceptable standard of accommodation facilities<sup>5</sup>. Through interviews conducted with Travellers in preparation for this report, it is clear that there is a widespread feeling that the standard of accommodation that Travellers receive on local authority sites is not worth what users pay. Services such as water, sewerage and electricity on some sites are considered inadequate. The chalets, housing showers and washing facilities, are often of poor construction and poorly insulated. Provision of storage and work areas on sites is seldom adequate, limiting the work Travellers can undertake. Sites are often

situated at considerable distances from shops and transport facilities. Significantly, the measures some local authorities take to hide the sites from outside view contribute to the feeling among Travellers that they are not welcome.

#### **4. Employment**

4.1. Prior to the major changes in agriculture, transport and rural lifestyles following the Second World War, there was more demand for the traditional services provided by the Travelling Community. Examples of the type of work carried out by the Travellers included freshwater fishing, berry picking, making, selling and repairing goods. The extended family would travel and work together, turning their hand to as many trades as necessary. Now there is far less demand for these services; people tend to replace goods rather than repair them. Selling goods or services door to door has become significantly more difficult. As a result members of the Travelling Community have diversified into work such as, gardening, paving, roofing, building and agricultural contracting. While there is still work for some, others in the Travelling Community have increasingly found it difficult to earn their living.

#### **5. Education and Welfare**

5.1. The issue of education, and in particular secondary education, has been a particular point of friction for the Travelling Community and the Government as it has sought to impose the principle of universal primary and secondary education, almost always delivered through local schools. In the 1930s, schools for Travellers were set up in various places in Scotland, such as Aldour near Pitlochry. These schools were established both as a response to the particular needs of Traveller children occasioned by their nomadic lifestyle but also because of pressures from those outwith the Traveller Community who did not want Traveller children mixing with their own. This initiative did not work well and was short lived. However the perceived injustices of this historic attempt at educational segregation and social engineering are still deeply felt within the Travelling Community. During the 1930s, 40s and 50s there were instances of Traveller children being taken away from their parents with this being justified on the basis that they were being sent to school for significantly less than the required number of days per year. Some of these children were resettled in Australia and Canada where links both to their family and their Traveller identity were broken.

5.2. It has always been difficult to accommodate the needs of Traveller children both to be on the road and to have access to education. Formal schooling and education are seen as the norm by many outwith the Travelling Community and the limited access to this for Traveller children has long been a cause of great concern. Travellers assert that the emphasis on formal schooling fails to take account of education imparted through exposure to oral traditions, family histories and the informal tuition that takes place within the Travelling Community. There is a perception amongst some Travellers that the purpose of formal schooling is to fit children to function within a non-Travelling lifestyle, whereas the type of education passed on within the Travelling Community is more adapted to preparing children to lead Travelling lives. A successful initiative has been the Scottish Travellers Education Project (STEP) which takes education out to Travellers and which allows Traveller children to receive a grounding in core educational subjects within their

own community. Some local authorities also provide teachers who go to Traveller sites.

- 5.3. By the time Travellers reach their early teens they are considered to be adults in their community and are traditionally expected to undertake adult responsibilities. This clearly conflicts with expectations within much of the rest of Scottish society in which people are generally expected to take on adult responsibilities several years later.
- 5.4. Over the last thirty years, most Traveller children have attended Primary education in whatever location the family happened to be at the time. Furthermore, an increasing number are participating in secondary education and some are going on to further and higher education.
- 5.5. While this section has focussed on difficult issues in education, similar problems exist for the Travelling Community in accessing other services based on location. Registering with a doctor, a dentist and other welfare services, opening a bank account and being included on the electoral register are difficult when there is no fixed address.

## **6. Discrimination, Prejudice and Harassment**

- 6.1. The Travelling Community has historically suffered much discrimination. For example, in 1533 King James V issued a decree banning gypsies from Scotland saying they should “depart forth of this realme with their wifis, bairns and companies.”<sup>6</sup> Discrimination has continued and even intensified in the succeeding centuries as access to land for temporary sites has been more and more tightly restricted and legislation impacting on Travellers more rigorously enforced.
- 6.2. Some outwith the Travelling Community have been and continue to be distrustful of Travellers, often reacting negatively to pitches in their area. Travellers continue to face regular accusations of criminality, often with no justification. In the most recent comprehensive survey of life for Travellers in Scotland, *Moving On*,<sup>7</sup> it was found that 61% of Travellers interviewed had experienced prejudice or harassment in the previous year. These included examples of incidents involving police, council officers, public and private service providers and members of the public. There is little confidence within the Travelling Community that complaints will be taken seriously when reported to the police and, as a result, such incidents are underreported.
- 6.3. The Centre for Racial Equality told the Equal Opportunities Committee Review: “Our observations in relation to Gypsies/Travellers in Scotland lead us to believe that there is no other section of the community that is as constantly vilified and about which negative stereotypes are so overwhelmingly held.”<sup>8</sup>
- 6.4. Media stereotyping of Travellers has tended to reinforce discriminatory attitudes. It is unarguable that the media have a significant influence on people’s perception of minority groups. The police have noted that following negative reporting of Travellers there is an increase in attacks on the Travelling Communities.<sup>9</sup> In 2010 the Equality and Human Rights Commission for Scotland “concerned that this coverage

(by the media of *Gypsy Traveller issues*) is often unbalanced” produced a resource leaflet for the media.<sup>10</sup> The aim of the leaflet was to “to encourage a more accurate, fair, open and inclusive discourse about the issues involved.” The SCRJG endorses the advice provided in this publication, believing that if the media portrayed Travellers and the richness of Traveller culture in a way that encouraged understanding and acceptance, it would play an important part in bringing about an overall change in how they are perceived.

6.5. Persecution and discrimination continue to be issues for Travelling Communities not only in Scotland but also in Europe, as can be seen from the expulsion of Roma from France and Italy in the last year. While legislation at a European and Westminster level can help to mitigate this and improve the rights of Travellers, the Government here in Scotland also has a role to play. The example of Spain, where there is a very positive story of developing good intercommunity relationships since the fall of the Franco regime, is most instructive.

## **7. Government Initiatives**

7.1. Since its inception, the Scottish Executive/Government has recognised the Travelling Community as a distinct ethnic group with a unique place in Scottish culture. However, the power to make this recognition a matter of law is reserved to the Westminster Government.

7.2. The Scottish Executive/Government has also recognised that significant prejudice and discrimination against the Travelling Community are still prevalent. A Scottish Parliament Equal Opportunities Committee report published in 2001 found that there was a large amount of discrimination and significant lack of opportunities in health, education and social justice. Reviewing, in 2005, work that had been carried out by the Equal Opportunities Committee, the report of that year stated: “We have heard from Scotland’s Gypsy/Travellers and other witnesses that they still suffer from an extreme level of discrimination, vilification and stereotyping and we are not moving fast enough to deliver effective services into this section of our community.”<sup>11</sup> In preparing this report, members of the Travelling Community have reiterated this to members of the group.

7.3. Areas such as housing facilities, appropriate education, health provision and a more culturally aware approach to welfare services all still need to be more fully addressed and improved. There is also the issue of representation, both at national and local level, for a community that is widely dispersed and finds it difficult to register to vote.

## **8. Legal recognition of Identity**

8.1. Although courts in England and Wales have held that Irish Travellers and Romany Gypsies belong to a distinct racial or ethnic group, there has been no equivalent decision in Scotland. It would seem likely that the courts in Scotland would take the same approach, especially given that the Equality Act 2010 applies across the United Kingdom. The Equality Act 2010 repealed the Race Relations Act 1976. However, there has been no formal legal recognition of the Scottish Travelling Community as a distinct ethnic minority, entitled to protection under the equalities legislation. The

question has been considered in Scotland in the Employment Tribunal, in the decision in *K. MacLennan v GTEIP* in 2008. It was held that the Scottish Gypsy Travellers were a distinct ethnic group and were entitled to protection under the 1976 Act, which was then in force. Whether the Employment Tribunal decision would be followed in any future proceedings in either the Sheriff Court or the Court of Session remains to be seen.

- 8.2. The March 2011 Census will include Gypsy/Traveller for the first time in the question on ethnicity.<sup>12</sup> It is hoped that this will give more accurate data on the number of Travellers in Scotland, and across the United Kingdom, enabling services to be better provided but Travellers have warned that many in the Community fear that identifying themselves as Travellers will expose them to further prejudice and discrimination. It is possible, therefore, that the Census will undercount Travellers in Scotland.<sup>13</sup>

## **9. The Travelling Community and the Churches**

- 9.1. Most Travellers would consider themselves to be Christians. While there is an element of distrust of institutional Churches among the Travelling Community, many have engaged with various denominations over the years and there is also a growing Traveller evangelical movement.
- 9.2. The Churches' attitudes to Travellers have often reflected the attitudes of society at large. However, although in the research for this report strenuous efforts were made to uncover specific instances of acts of institutional discrimination by Churches against Travellers, no evidence has been found. This is not to say that individual church members have not acted in discriminatory ways and that the Churches have failed to challenge them when they have done so.
- 9.3. Illustrations of the Churches' reflection of societal attitudes have been found. In 1838 the Church of Scotland set up a committee for the "Reformation of Gypsies." The assumption was that Travellers to be shown how to live a 'normal' way of life.
- 9.4. Attitudes had changed quite considerably by 1970. In the report of the then Home Board to the General Assembly of the Church of Scotland, attention was given to the work of Rev Dennis Sutherland among Travelling people across a wide area of Scotland. It was also noted that the Home Board was working with others to advance access to education for Traveller children.
- 9.5. With hindsight, we can regard with regret some of the attitudes which the Churches have displayed towards the Travelling Community and, when it occurred, deplore their historic failure to stand alongside a minority group facing discrimination and even persecution. However, it should be acknowledged that proposals, such as those outlined in paragraph 9.3 above, were made in the belief, at the time, that they would bring benefit both to the Travelling Community and to wider society.
- 9.6. Church of Scotland archives indicate that its involvement with the Travelling Community has primarily occurred at local level and this is also true for other Churches in Scotland. Difficulties in maintaining meaningful engagement with

Travellers arise because most Churches dedicate most of their energies to serving non-Travelling communities and have always had difficulty with making use of the gifts of those whose time in a particular place is short. Several initiatives have been set up at different times by the Church of Scotland's Home/National Mission department to provide ministry to Travellers in a way more suited to their culture and lifestyle than is possible through the parish structure.

- 9.7. In 1982, the Board of National Mission of the Church of Scotland appointed a Deaconess, who was also a Traveller, to be its chaplain to Travelling Community. The Church recognised that one size does not fit all and that ministry to the Travelling Community requires to be flexible in its approach, and to understand the importance that culture and tradition plays in the life of the traveller. The Guild caught the vision, and as part of its 1984/5 project financed a custom built vehicle to travel throughout Scotland bringing a visible church presence on campsites. This vehicle was able to meet many of the congregational needs of Travellers.
- 9.8. The role of the chaplain was a varied one. Pastoral care, spiritual care, and mission played a large part, as did worship, bible study and Christian education groups for adults and children. Both the preaching of the word and the sacrament of baptism were often conducted at open air services. On many occasions the chaplain acted as mediator when friction occurred between the Travellers and those outwith the Travelling Community, and was also involved in some of the anti-institutionalised racism programmes run by the police and others. Officially, the chaplain's work came to an end when she was called to a Church of Scotland charge in 1998 and there has been no official chaplaincy to Travellers since.
- 9.9. Many Travellers who attend church do so for prayer and praise and to mark important rites of passage but do not necessarily belong to, or identify with, any particular denomination. In this situation it would seem appropriate for the Churches to respond ecumenically to the Traveller Community.

## **10. Conclusion**

- 10.1. Society has responsibilities to all its members but for too long it has failed in its responsibilities to the Travelling Community. At the root of much of the difficulty faced by Travellers in Scotland through the centuries has been the idea that a settled lifestyle is the only acceptable model and that all people should conform to it. In presenting this report, the SCRJG would like to reiterate its belief that peoples of all ethnicities, cultures and lifestyles contribute to Scottish society and the Group believes that the presumption that the settled lifestyle of the non-travelling community is the norm to which all people should conform must be challenged. Travellers have long been a part of Scottish society and have long made a distinctive contribution to the culture and economy of Scotland. This is a contribution which is rightly being celebrated and recognised, not least through the work of the Scottish Storytelling Centre.
- 10.2. The Scottish Churches Racial Justice Group would like to invite Churches in Scotland to give consideration to how they can work to challenge the pernicious evils of discrimination, prejudice and harassment that Travelling people in Scotland

continue to experience and to accord them the same level of respect that every member of society is entitled to receive.

10.3. Every voice in Scotland is worth hearing. As Churches are taking steps, particularly to hear the voices of children and youth, they should also be asking if any other voices are being ignored. The SCRJG would contend that the voices of Travelling people are rarely heard, not least because Travellers are afraid of attracting discrimination if they speak up or even identify themselves. Churches need to become safe places for Travellers' voices to be heard and Churches should work for the right of the Traveller Community to be heard in all areas of society.

### **Suggested Recommendations / Deliverances:**

The SCRJG recommends to the Churches in Scotland that they should:

1. Support the Scottish Government in recognising Travellers as a distinct ethnic group.
2. Note that past treatment of the Travelling Community by Government, wider society and the Churches has intentionally and unintentionally been discriminatory.
3. Encourage the Scottish Government and local authorities to afford to Travellers protection against discrimination.
4. Encourage the Scottish Government, in conjunction with local authorities, to take steps to improve the provision of services to Travellers, recognising the distinct culture and lifestyle of the Travelling Community.
5. Encourage the Scottish Government to take steps to ensure that members of the Travelling Community are enabled to vote.
6. Explore opportunities to celebrate with the Travelling Community the richness of its culture.
7. Seek ways ecumenically through which the spiritual needs of the Travelling Community can be met.
8. Explore the theology of welcome and hospitality as it relates to the relationship between the Travelling Community and those outwith the Travelling Community.
9. Enter into dialogue with representatives of broadcasters and of the print media about promoting more positive images of the Travelling Community.
10. Encourage Church bodies and individual church members to speak out against instances of the negative and abusive portrayal of the Travelling Community in the media.

## REFERENCES

<sup>1</sup> For reasons of clarity, and on the advice of a member of the Travelling Community, the authors of this report have chosen to use the terms “Travellers” or “Travelling Community” throughout this report.

<sup>2</sup> Scottish Government Twice Yearly Count,

<http://www.scotland.gov.uk/Publications/2009/09/04152156/0>

<sup>3</sup> Legislation can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk)

<sup>4</sup> Human Rights Act, Article 8, <http://www.legislation.gov.uk/ukpga/1998/42/contents>

<sup>5</sup> Scottish Parliament Equal Opportunities Committee Review,

<http://www.scottish.parliament.uk/business/committees/equal/reports-05/eor05-05.htm>

<sup>6</sup> King James V as quoted in Robert Dawson, *Empty Lands, Aspects of Traveller Survival* p. 23

<sup>7</sup> Lomax, D., Lancaster, S. and Gray, P., *Moving On: A Survey of Travellers' Views* (2000) p. 2

<sup>8</sup> Scottish Parliament Equal Opportunities Committee Review, *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> <http://www.equalityhumanrights.com/scotland/scottish-news/gypsy-travellers-in-scotland-a-resource-for-the-media/>

<sup>11</sup> Scottish Parliament Equal Opportunities Committee Review, *Ibid.*

<sup>12</sup> [www.gro-scotland.gov.uk/files2/the-census/scotlands-census-2011-specimen-questionnaire.pdf](http://www.gro-scotland.gov.uk/files2/the-census/scotlands-census-2011-specimen-questionnaire.pdf)

<sup>13</sup> The Guardian, Friday 21<sup>st</sup> January, 2011

<sup>14</sup> Reports to the General Assembly: Report of the Home Board, 1970

## Appendix A

*The following statement was issued in Lyon by the 13<sup>th</sup> Assembly of the Conference of European Churches.*

### Churches called to stand in solidarity with the Roma minority in Europe Public Statement 21 July 2009

*According to Art. 1 I of its Constitution one of the tasks of CEC is to issue public statements, which can, in accordance with Art. 5 III No. 5 be adopted directly by the Assembly. Having realized that despite the ongoing integration with CCME, it was not possible to address ethnic minority issues sufficiently, the Steering Committee has set up a CCME working group in accordance with SO 7.14 to address an issue at the heart of the work of that Commission. It has been submitted to them according to SO 8.3. The Steering Committee submits it to the Assembly with the recommendation to adopt it as a public statement of the Conference of European Churches.*

The 13th Assembly of the Conference of European Churches expresses its dismay and deep concern that the situation of the Roma, Sinti and travellers' communities have not improved in the last years and programmes for Roma integration especially in Central-East Europe are not pursued sufficiently.

The social exclusion of the largest European ethnic minority is severely exacerbated by increasing racist violence in the past years.

The Assembly commends those churches which have provided shelter and stood at the side of the victims of such attacks. The Assembly affirms the Christian conviction that every person is created in the image of God; the dignity of every person needs to be upheld.

We also regret that churches have not yet achieved sufficient inclusion of these groups in parishes and churches, which is also exemplified by the fact that there is no Roma, Sinti or traveller delegate at our Assembly.

The Assembly urges the European institutions and the CEC member churches to introduce effective integration strategies and viable steps and actions for the integration and social inclusion of Roma, Sinti and travellers' communities.

The Assembly calls on governments across Europe

- To uphold and protect the rights of ethnic minorities and vigorously work against racism and racist violence.
- To intensify the work for Roma inclusion in European societies in the framework of the Council of Europe and the EU decade for Roma Inclusion launched in 2008.
- To initiate programmes underpinned with the necessary financial resources in the field of education to provide a form of education that meets the needs of the Roma.
- To protect and promote the cultural heritage and dialects of Roma, Sinti and travellers.
- To realise a comprehensive social and employment system which recognises the Roma's right to work without any discrimination.

The Assembly of CEC calls on churches across Europe

- To denounce racism and racist violence as a sin.
- To stand at the side of victims of racist violence and advocate for bringing the

perpetrators of racist violence before a court of justice.

- To cooperate with the national authorities in the framework of the Council of Europe work with Roma, Sinti and Travellers and the EU Decade for Roma inclusion.
- To work with representatives of the Roma minorities in European countries in the processes of healing of memories, to recognise the history of slavery and exclusion, and to identify steps and processes for living together while respecting traditions and cultures.

The CEC Assembly expresses its respect for the Roma minority in Europe.

## Appendix B

## Membership of Ecumenical Working Group

Rev. Alexander Horsburgh (Convener)	Scottish Churches' Racial Justice Group (Church of Scotland)
Rev. Francis Alao	Scottish Churches' Racial Justice Officer
Mr. David Bradwell	Church of Scotland
Ms Sophie McCallum	Researcher
Rev. Russell McLarty	Church of Scotland
Rev. Canon Tom Montgomery	Scottish Episcopal Church (Corresponding Member)
Mrs. Senga Munro	Consultant (Religious Society of Friends)
Dr. William Reid	Methodist Church
Rev. Tilly Wilson	Consultant (Church of Scotland)
Servicing Officer Tom Moyes	Action of Churches Together in Scotland