

Race and religion – race equality, Gypsies and Travellers and refugees



Why recommendations on Scotland?

The Scotland Act 1998 provided for the establishment of the Scottish Parliament and the Scottish Government. The Act sets out that all policy areas not explicitly reserved to the UK Parliament are devolved to the Scottish Parliament. The Scottish Parliament has full legislative powers over devolved matters. This means that issues such as justice, health and social care, education and training, as well as many aspects of transport and environment, are within the powers of the Scottish Parliament and responsibilities of the Scottish Government.

Observing and implementing international human rights obligations relating to devolved matters is the responsibility of both the Scottish Parliament and Scottish Government Ministers.

While the UK is the State Party to the United Nations (UN), UN bodies have increasingly recognised the value of specific concluding observations and recommendations for the Scottish Government. This has been recognised as a way to ensure that law, policy and practice in Scotland is fully compliant with all international human rights law and policy.

Issues

In March 2016, the Scottish Government published a Race Equality Framework for Scotland 2016-2030, having had no policy in place for five years. While the framework addresses a wide range of issues impacting on minorities, there is a concern that invisible minorities and individuals experiencing multiple forms of discrimination are not adequately considered in the framework.



Gypsies and Travellers in Scotland have the poorest social outcomes of any group in terms of health, education and economic exclusion.

Gypsies and Travellers in Scotland have the poorest social outcomes of any group in terms of health, education and economic exclusion. Negative media portrayals about the community persist. In 2015, the Scottish Government published guidelines on minimum standards and core rights and responsibilities for Gypsy and Traveller sites. Later the same year, the Scottish Housing Regulator conducted a thematic enquiry on the implementation of that guidance across 29 official sites in Scotland. While the report highlighted some positive practices, it reflected varying degrees of satisfaction with site conditions and access to services, as well as clear disparities in pitch rents. Housing, education and health are matters for the Scottish Parliament.

The challenges facing asylum seekers in Scotland in accessing just decision-making, an adequate standard of living, and fair and equal access to work, housing and health care remain significant. Decision-making on claims for asylum is reserved to the UK. Both the Scottish Parliament and Scottish Government have committed to putting human rights at the heart of refugee protection within devolved competence. However, more can be done to enshrine refugee rights and provide better services in Scotland.

Recommendations



The Scottish Government implements a Race Equality Framework with a wider participation approach to ensure all groups are reflected and represented in the development of national and local laws, policies and programmes.



The Scottish Government adopts a wide-ranging implementation plan, consistent with international human rights standards, to reconcile the human rights of Gypsies and Travellers and settled communities.



The Scottish Government introduces integration legislation that sets out refugees' rights to access and enjoy the full benefit of Scottish public services. A bill would also act as a safeguard against the impact of further reductions in rights instigated by UK legislation.



Questions for the Government

What steps has the Scottish Government taken to ensure that 'invisible minorities' and those facing multiple layers of discrimination are better reflected in its 'Race Equality Framework'?

What has the Scottish Government done to improve conditions on halting sites for Gypsies and Travellers in Scotland?

What actions has the Scottish Government taken to address discrimination against Gypsies and Travellers, and to improve their health, education and employment outcomes?

What actions has the Scottish Government taken to improve the provision of public services for asylum seekers and refugees?

The Scottish Human Rights Commission is the National Human Rights Institution for Scotland, accredited with A status by the Global Alliance of NHRIs. SHRC is one of the three NHRIs in the UK. SHRC is a member of the UK's National Preventive Mechanism (OPCAT) and the Independent Monitoring Mechanism for the Convention on the Rights of Persons with Disabilities in Scotland.

www.scottishhumanrights.com

Scottish Human Rights Commission
Governor's House
Regent Road
Edinburgh
EH1 3DE

0131 244 3550

hello@scottishhumanrights.com

[@ScotHumanRights](https://twitter.com/ScotHumanRights)