

# SHRC

Scottish  
Human Rights  
Commission



## **“No man’s land”**

A human rights assessment  
of the ‘Tinker Experiment’  
and redress for its victims

**January 2026**



# Contents

Foreword	4
Executive summary	6
Introduction	13
Chapter one: Shining a spotlight on the cultural recognition of Scotland’s Gypsy Travellers	18
Chapter two: Timeline of the key events relating to the Tinker Experiment	22
Chapter three: Human rights framework	28
Chapter four: Evidence and analysis of human rights issues	33
Chapter five: Redress and reparations for victims of the Tinker Experiment	64
Conclusion	76
Recommendations	77
Annex A: Human rights standards relevant to the Tinker Experiment	81
Annex B: Scottish Government response to the 2025 Concluding Observations of the ICESCR Committee	83
Annex C: Methodology	84
Annex D: Transcribed memorandum regarding removal of twins from Bobbin Mill	87
Endnotes	88

With thanks to Shamus McPhee, who is a victim of the ‘Tinker Experiment’ and who painted the pictures in this report to bring visibility to Gypsy Traveller culture.

# Foreword

66

The marginalisation of Scotland's Gypsy Travellers is a long and shameful part of Scotland's past and our present. This spotlight report by the Scottish Human Rights Commission (SHRC) sets out the decades – centuries, even – of policies and practices which have deliberately or indirectly resulted in the suppression of cultural traditions. Evidence presented in this report demonstrates suppression of nomadism, and the subsequent disadvantage, discrimination and in many cases abuse, of Gypsy Traveller people.



Professor Angela O'Hagan

Throughout the 20<sup>th</sup> century, and up until today, there is evidence of institutional complicity. The Scottish Office, local councils, the Church of Scotland and charitable organisations all played a role in the so-called 'Tinker Experiment'. The range of actions engaged in by formal institutions included a range of activities amounting to forced assimilation, including the mistreatment and removal of children. This has, and continues to be, perpetuated by the Scottish Government's insufficient action to address the injustice of the Tinker Experiment.

The Tinker Experiment was both a symptom of deep prejudice against, and dehumanisation of, Scottish Gypsy Travellers. Victims of the experiment have been campaigning to share their experiences at the hands of the State for too long.

Scotland's leaders and institutions, both past and present, have failed in their responsibility to protect the human rights of this group and for years they have failed to recognise and attempt to remedy past harms. To this day, victims have only received a limited apology on behalf of the Scottish Government which did not fully acknowledge the ongoing nature of these harms for those who experienced the Tinker Experiment, and their families. Since then, the Church of Scotland and Perth & Kinross Council have also made apologies.

This spotlight report sets out in detail the nature of these failures. The report's findings are supported and informed by independent archival research commissioned by the SHRC. The commissioned research was conducted by Dr Rhona Ramsay and co-researcher Roseanna McPhee. It was informed by recent truth recovery work by the Third Generation Project at St Andrews University, and the direct experiences of victims who have generously shared their stories.

The apology delivered by Scotland's First Minister to Scottish Gypsy Travellers in June 2025 was a positive first step on the path to righting the wrongs done by Scotland's institutions. However, while it is true that overt policy and practice designed to forcibly assimilate Gypsy Travellers took place in the 19th and 20th century, we cannot be clearer that the harms of the Tinker Experiment have not been addressed, are ongoing, and amount to a continuing human rights issue. It is evident from testimony that victims of the Tinker Experiment experience ongoing substandard housing conditions, poor health outcomes, and face discrimination in education and in accessing employment. Furthermore, laws remain on the statute book which discriminate against this community in their failure to recognise their cultural traditions; and policymaking fails to consider the needs and views of this community as required by a human rights based approach.

“No man’s land” sets out recommendations which offer the State and Scottish duty bearers a clear route to begin addressing these continuing harms. These recommendations focus on an approach which recognises cultural harms and losses, and which seeks to provide redress and reparations. It is imperative that these recommendations are delivered with urgency, the victims of the experiment have waited over 15 years to be heard and to receive an apology. Just as important is an approach which embeds the participation and leadership of Scotland’s Gypsy Travellers at every step.

Sadly, over the course of this project two victims of the Tinker Experiment passed away. We hope that this report and its findings do justice to their experiences and honour their memory.

Scotland’s Gypsy Travellers have experienced significant harm because of forced assimilation in Scotland. The ongoing lack of accountability for the impact of the experiment has served to further perpetuate this harm. That needs to change now.

99

**Professor Angela O’Hagan**  
Chair of the Scottish Human Rights Commission



Camp fire: Shamus McPhee

# Executive summary

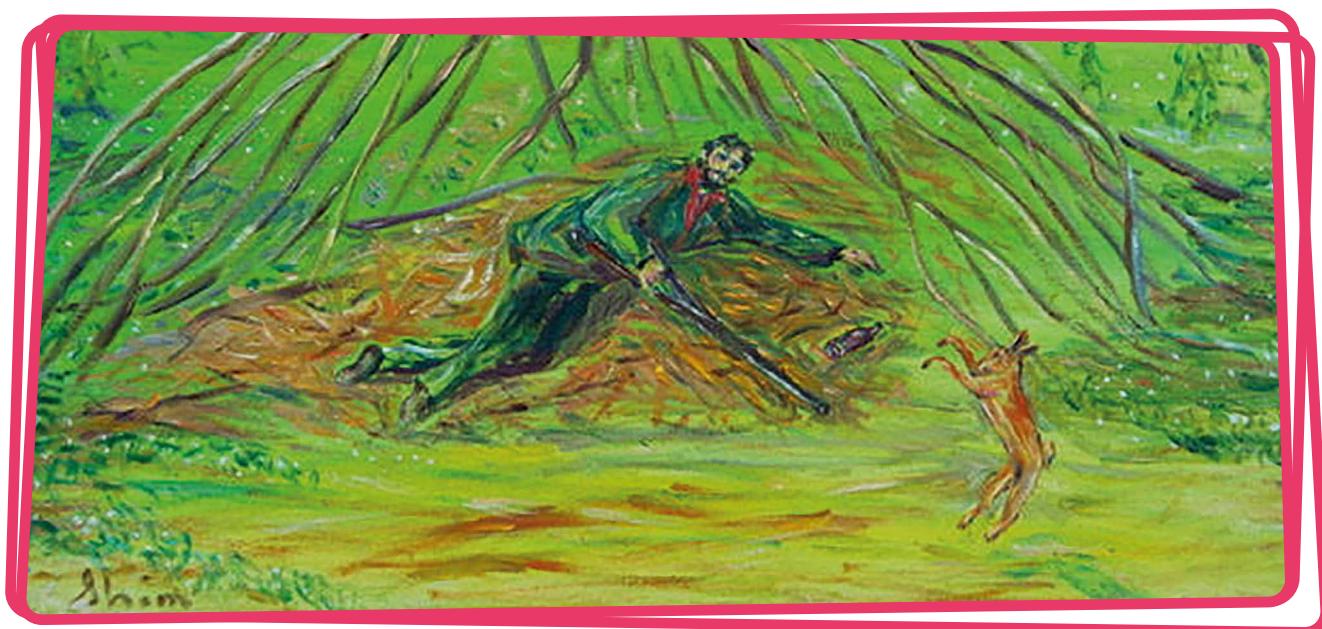
## Background and context

The issue of the Tinker Experiment was first raised in the Scottish Parliament in 2010. At this time, the Public Petitions Committee stated that more evidence was required in order to justify an apology.<sup>1</sup> Over the years that followed, victims of the experiment continued to advocate for the issue to be addressed. In 2016, they formed RAJPOT (Refuge for Allies of Justice and Persons from Oppressed Tribes), a Gypsy Traveller led inter-cultural peace centre. RAJPOT went on to share their experiences at events and met with senior Scottish Government officials, eventually leading the Scottish Government to commission research into the experiment in 2023. That research was undertaken by the Third Generation Project at the University of St Andrews.

The Scottish Government research identified a range of State and private actors involved in the Tinker Experiment including national governments, Scottish Office-led committees, Scottish local authorities, the Church of Scotland, the police, and charities including the Royal Scottish Society for the Protection of Cruelty to Children (RSSPCC), the Aberlour Trust, Quarriers and Barnardo's. The research refers to what occurred as a 'Cultural Genocide'.

Following the completion of that research, on the 25th of June 2025, during Gypsy Roma Traveller History Month, First Minister John Swinney offered the victims of the Tinker Experiment an apology. However, the apology was lacking the tangible plans for redress and reparations that the victims had spent over 15 years advocating for.

The issue of the Tinker Experiment was brought to the attention of the SHRC in 2023. We met with victims of the experiment, visited sites at Bobbin Mill and Tarvit Mill and heard victims' experiences of the impact of the Tinker Experiment. In 2023, SHRC decided to undertake a spotlight project, commencing work the following year. This project involved working with victims to investigate the cultural recognition of Scotland's Gypsy Travellers as a human rights issue.



Cage fight: Shamus McPhee

## Approach and purpose of this report

This report presents the SHRC’s analysis of the human rights issues raised by the Tinker Experiment. Our analysis draws on the independent research we commissioned, alongside an examination of the relevant international human rights laws and frameworks. This includes both legally binding human rights treaties as well as non-legally binding guidance, reports, and general comments from international human rights bodies.

This report presents testimonial evidence from victims in line with the SHRC’s Participation Strategy for 2024-28.<sup>2</sup> All reasonable efforts have been made to verify statements as fact. However, much of the record on the Tinker Experiment lies in recollections, the experiences and the impacts felt by the victims themselves. Many of the recollections are supported by documents from the Victims’ Archive. Therefore, we have treated this evidence as authoritative for the purposes of identifying human rights issues.

This report makes recommendations for addressing the continuing human rights issues stemming from the Tinker Experiment. The SHRC is clear that while the Tinker Experiment may have involved interventions which were lawful at the time they occurred, their lawfulness was the product of anti-Gypsy Traveller prejudice across Scotland and the UK. This led to discrimination and continuing human rights issues. Given this, our human rights analysis considers the ongoing harms of the Tinker Experiment by the human rights standards of today.

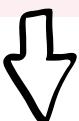
The final recommendations in this report are informed by an independent expert analysis conducted by Professor Mairead Enright, an expert on redress. Victims of the experiment have had the opportunity to comment on and inform recommendations in line with the SHRC’s Participation Strategy and the PANEL principles.<sup>3</sup> These recommendations reflect the actions required of the State by human rights standards and best practice, and which should now be further designed, delivered and implemented in partnership with victims of the experiment and Scotland’s Gypsy Travellers.

The evidence and analysis in this report have led to 20 key findings. These findings cover both historic and continuing human rights issues. They focus on the forced assimilation of Scotland’s Gypsy Travellers as well as issues relating to the rights to adequate housing, private and family life, health, education, employment and cultural life.

## Key findings

### Forced assimilation

- 1** The State systemically forced the assimilation of Scotland's Gypsy Travellers by conflating nomadism with vagrancy, discriminating against Gypsy Travellers and by enacting laws in the 1800s and 1900s to suppress nomadic practice and to remove Gypsy Traveller children from their families.
- 2** The acts of forced assimilation carried out by the State are incompatible with Article 5(2) of the Framework Convention for the Protection of National Minorities (FCNM).



### Right to adequate housing

- 3** The Scottish Government and local authorities have failed, and continue to fail, to uphold an adequate standard of living protected by Article 11 of ICESCR in relation to adequate housing for Scotland's Gypsy Travellers.
- 4** Failure to uphold Article 11 of ICESCR is clearly evidenced in the development of experiment sites, like Bobbin Mill, which were used to forcibly assimilate Scotland's Gypsy Travellers through the provision of intentionally substandard accommodation paid for by the State.
- 5** Examples of substandard accommodation funded by the State include the use of asbestos wood walls in the Nissen hut at Bobbin Mill. Additionally, there is no electricity at Bobbin Mill until the 2010s. This lagged behind improvements made to general housing provision.
- 6** Documentary evidence suggests that Perth County Council knew of the Church of Scotland's attempt to establish a camp at Gothens.
- 7** Local councils sought to roll out the approach taken at Bobbin Mill in a number of areas across Scotland.
- 8** Failure to uphold Article 11 of ICESCR continues today through the provision of substandard accommodation at sites including: Bobbin Mill, Double Dykes and Tarvit Mill as highlighted by the Scottish Housing Regulator.
- 9** The substandard accommodation conditions currently experienced by Scotland's Gypsy Travellers raises further issues in relation to discrimination. The evidence suggests a failure to address issues arising under Article 8 combined with Article 14 of the ECHR, Article 2 of ICESCR and Article 5(e) of CERD. All articles require states to both prohibit and take active steps to eliminate discrimination in rights such as adequate housing.





## Right to private and family life

**10**

By removing children from a family of Gypsy Travellers at Bobbin Mill for no other reason than to ease overcrowding, when alternative measures were available, the State failed to comply with Article 8 of the ECHR regarding respect for private and family life.

**11**

Threats to remove children were used by the State to compel families to assimilate, would, by today's standards amount to an interference with Article 8 of the ECHR. This has caused mental distress and prevented Scotland's Gypsy Travellers from conducting their family life and has caused significant and lasting trauma.

**12**

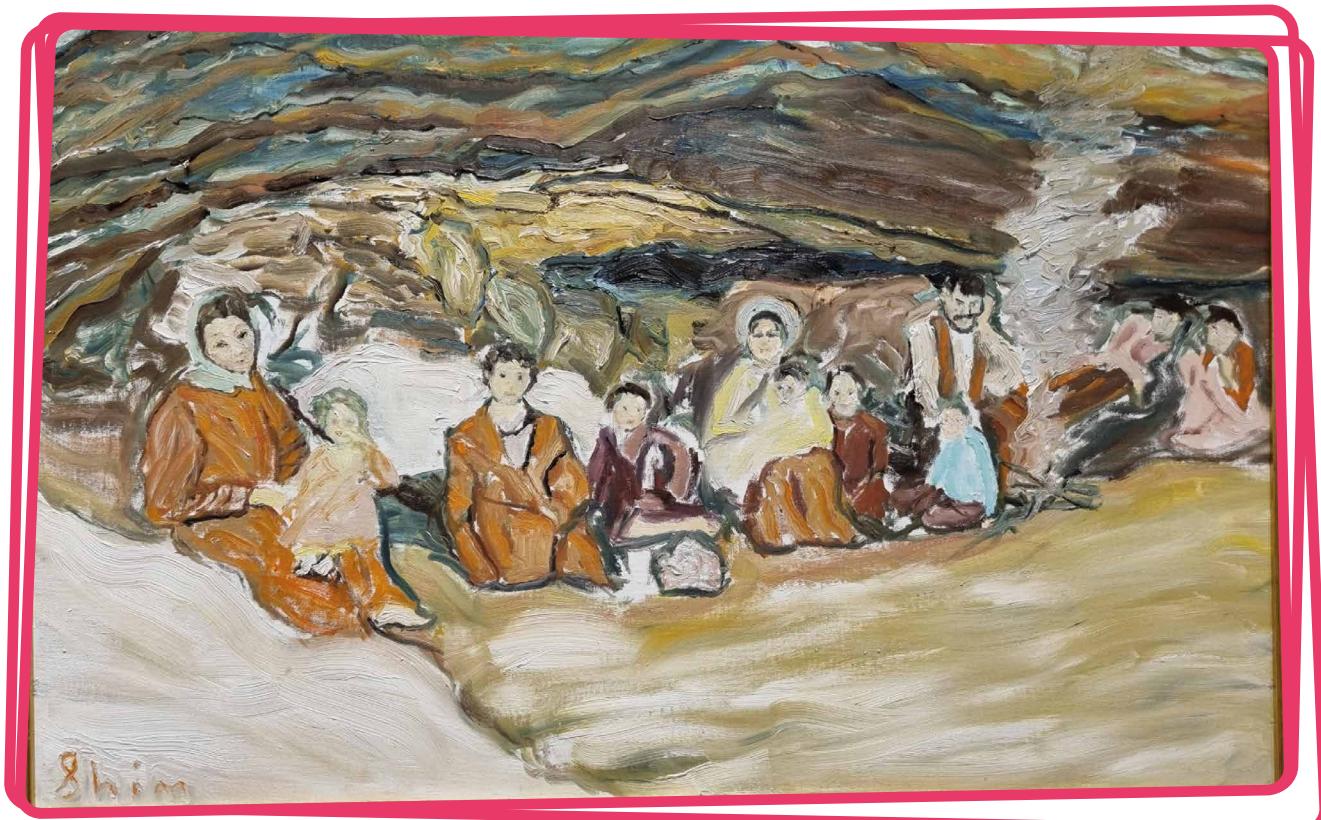
Removing children and placing them into care homes, including Kippen House, raises human rights issues in relation to Article 9 of the UNCRC.



## Rights to health, education and employment.

**13**

Failure to comply with Article 11 of ICESCR by forcing Scotland's Gypsy Travellers to assimilate in substandard accommodation the State has put rights to health, education and employment of the victims of the Tinker Experiment at risk.



Cave in Wick: Shamus McPhee



## Rights to cultural life

- 14** By enacting legislation and policy which forced Scotland’s Gypsy Travellers to accept council housing provided by local authorities in areas where Gypsy Travellers faced hostility, the State has failed to comply with the right to cultural life protected by Article 15 of ICESCR and to provide culturally appropriate accommodation as protected by Article 11 of ICESCR.
- 15** By failing to address legal barriers to reinstate the use of stopping places, for example via the Land Reform (Scotland) Act in 2003 and again in 2016, the State has failed to meet its duty under ICESCR to progressively increase access to cultural practices.
- 16** The State has failed to protect and contributed to the active destruction of Scotland’s Gypsy Traveller culture.



## Redress and reparations

- 17** Victims of the Tinker Experiment have requested redress including apologies and reparations including compensation, cultural investment and improvements in accommodation.
- 18** The Scottish Government apology in June 2025 does not meet human rights standards adopted by the UN General Assembly in relation to remedy and reparation for victims of human rights violations.
- 19** Evidence suggests significant differences in the approach from duty bearers to providing redress in the form of apologies, to different groups of victims in Scotland.
- 20** A transformative reparations approach which demonstrates alignment with international human rights standards should be used to address the harms of the Tinker Experiment.

## Recommendations

The SHRC is clear that State action to address the past and ongoing harms of the Tinker Experiment must include meaningful participation and leadership of victims of the experiment and Scotland’s Gypsy Travellers across all elements of reparations. This should be done in conjunction with reviewing legal standards of the past, recognising cultural losses and rejecting state-centric and assimilative practices. The following recommendations should be taken forward at pace.

### **Overarching recommendation: State adoption of a transformative reparations approach**

We recommend that duty bearers adopt a transformative reparations approach in response to the Tinker Experiment.

A transformative reparations approach consists of four key elements including:

1. Participation and leadership of victims in the design and development of their own reparations.
2. Critiquing and reviewing legal standards of the past. Duty bearers should critique and review legislation which continues perpetuate harm done to victims.
3. Recognition of the cultural harms and losses including reparations for: experiences of substandard accommodation, actual and threatened child removal, forced displacement as well as measures to establish adequate culturally appropriate housing for the victims and their descendants.
4. Rejection of State-centric and assimilationist approaches in the delivery of reparations by ensuring that the process of providing reparations does not inflict further harm and trauma on affected people by reinforcing assimilationist norms or focusing on the needs of the State. This can be achieved primarily through a reparations scheme that is both independently operated and monitored by an independent oversight mechanism.

By adopting a transformative reparations approach, the State should be able to deliver against the following recommendations for victims of the Tinker Experiment:



### Compensation

- Financial compensation to victims and families



### Rehabilitation

- Culturally appropriate review of, and steps to ensure adequacy of, accommodation provision including Gypsy Traveller sites
- Investment in community empowerment, self-advocacy and cultural development



### Satisfaction

- Further Scottish Government apologies
- Truth recovery on harms to children



### Guarantees of non-repetition

- A review of current legislation and policy
- Ensuring equality in access to remedy



Turdies and his Naismort: Shamus McPhee

# Introduction

66

You’re in no man’s land. And that’s had a catastrophic effect, as you can see. And for me, I’ve got to turn out every day and it’s difficult, very difficult. To put on this face and just go out and get on with things... 99<sup>4</sup>

The Tinker Experiment was a programme of forced assimilation of Gypsy Travellers in Scotland, perpetuated by the State, Church of Scotland and a number of charities, including the Royal Scottish Society for the Prevention of Cruelty to Children (RSSPCC), the Aberlour Trust, Barnardo’s and Quarriers.<sup>5</sup> This occurred through discrimination, direct action, and at times wilful inaction.

Victims have told us that because of the Tinker Experiment, they live in a ‘no man’s land’, where they live as neither members of the settled community nor members of the wider Gypsy Traveller community. The Tinker Experiment has its roots in historic persecution of Gypsy Travellers in Scotland and across Europe. The Tinker Experiment has not yet ended in Scotland; its legacy and impacts continue to the present day.

The SHRC has undertaken this spotlight project to assess the human rights impact of the Tinker Experiment as part of our Strategic Plan 2024-2028.<sup>6</sup> This work reflects two key priorities for the SHRC: the rights at-risk of specially protected groups, such as minority groups and those who have rights protected via international instruments in Scotland, including Gypsy Travellers; and access to justice for people who have experienced human rights denials or violations.

This work has been undertaken with the collaboration of victims of the Tinker Experiment, in line with the SHRC’s Participation Strategy.<sup>7</sup> To help achieve this, we commissioned two pieces of independent work to inform this report. These were:

- A research report titled ‘An exploration of the denial of the rights to cultural recognition of Scotland’s Gypsy Travellers and its impact, both past and present’ produced by Dr Rhona Ramsay and co-produced with victim of the experiment and one of the founders of RAJPOT, Roseanna McPhee.<sup>8</sup>
- An expert legal analysis titled ‘The “Tinker Experiments”: A Rights-Based Approach to Reparations’ by Professor Mairead Enright.

In this report, the SHRC brings together findings from the co-produced research to conduct a human rights framework analysis of the Tinker Experiment. We then draw from Professor Enright’s work on redress, as well as the views of the victims, to inform our recommendations.

## Structure of this report

This report begins by setting out the background of the campaign for an apology for the Tinker Experiment in the Scottish Parliament, the historic persecution of Scotland's Gypsy Travellers, research commissioned by the Scottish Government and conducted by the University of St Andrews, Third Generation Project on Twentieth Century Policies Affecting Gypsy/Traveller Communities in Scotland (**chapter one**).

The report then moves on to provide a full timeline and overview of key events of the Tinker Experiment identified by independent research commissioned by the SHRC and our own review of literature (**chapter two**).

From there the report outlines the human rights standards which can be applied in relation to the Tinker Experiment (**chapter three**) before setting out the SHRC's Human Rights Framework Analysis in **chapter four**. This chapter includes a summary of key findings on a range of key topics including forced assimilation, right to adequate housing, right to private and family life, rights to health, education and employment, rights to cultural life and redress and reparations.

In **chapter five**, the report explores key findings on human rights standards in relation to redress and reparations for victims of the experiment. Finally, we set out the SHRC's conclusions and recommendations.



By Invitation Only: Shamus McPhee

## Terminology used in this report

A range of terms are used in this report. The following table details the key terminology we use in this report:

Term	Application in this report
Assimilation/forced assimilation	<p>Assimilation refers to a minority group adopting the traits, values, and behaviours of a dominant culture and being absorbed into it.</p> <p>Forced assimilation refers to the involuntary cultural assimilation of religious or ethnic minority groups, where a government forces or coerces them to adopt the norms of an established and larger dominant culture.</p>
Compensation	<p>Compensation refers to addressing material losses like moral or emotional harms, and the loss of financial income.</p>
Cultural genocide	<p>Cultural genocide refers to the systematic destruction of a people’s cultural identity, values, and heritage, often through assimilationist policies like forced displacement, suppression of language, and disconnection from cultural practices.</p> <p>The research produced by the Third Generation Project at the University of St Andrews uses this term to describe the Tinker Experiment.</p> <p>While this term can help describe the harms that occurred, it is not defined currently in the international human rights framework. As such, in this report the term forced assimilation is instead used.</p>
Guarantees of non-repetition	<p>Guarantees of non-repetition are both an aspect of satisfaction and a form of reparation in their own right.</p> <p>Guarantees of non-repetition can require changes in the laws and practices that enabled human rights violations to occur, and construction of new laws and practices to ensure more effective rights protection in future.</p>
Gypsy Traveller	<p>The term Gypsy Traveller does not refer to a single group but is a collective term for diverse communities, including but not limited to: Romany Gypsies, Irish Travellers, and Scottish Gypsy Travellers. Showpeople and Bargees are sometimes included in the umbrella term Gypsy Traveller, however it should be noted that some people do not consider themselves to fall within this definition and solely identify as a Traveller. Gypsy Travellers or Travellers adopt cultural practices of nomadism; however, this is not the case for all groups at different times of the year. The SHRC notes that Gypsy Travellers are not a homogeneous group and have multiple communities with distinct and different cultures, histories, and needs.</p>
Industrial School	<p>In 19<sup>th</sup> and 20<sup>th</sup> century Scotland an Industrial School was a type of residential institution for destitute, neglected, or vagrant children used to provide basic education, and train children in trades.</p>

Term	Application in this report
Nissen hut	A Nissen hut is a prefabricated steel structure originally for military use, especially as barracks. They were often made corrugated iron placed over a steel and wood frame. It was designed during the First World War and used extensively during the Second World War.
Remedy	Remedy is how a National Authority provides a solution to a legal wrong, enforces a right, or compensates a person for harm caused.
Redress	Redress is a type of remedy provided to an individual or group for a wrong, injustice, or harm they have suffered. It is a process that seeks to right a wrong by providing a solution.
Rehabilitation	<p>Rehabilitation refers to assistance that victims of human rights abuses may need to arrive at a position where they can enjoy the rights formerly denied to them.</p> <p>Assistance can include healthcare, healing, social integration, and cultural investment.</p>
Reparations	<p>Reparations is the act of making amends for a wrong or injury for example providing compensation to make amends for harm inflicted.</p> <p>Reparations can take the form of compensation payments, materials or other actions provided by a party that has caused damage or injury to the injured person.</p>
Satisfaction	Satisfaction is a part of redress and reparations. It can include apologies, memorialisation, tributes to the victims, statements of truth and stopping of any continuing human rights violations.
Scotland’s Gypsy Travellers / Gypsy Travellers Living in Scotland	<p>For this report, the term Scotland’s Gypsy Travellers is used to refer to Gypsy Travellers living in Scotland impacted by the policies and practices of the Tinker Experiment.</p> <p>Scottish Gypsy Travellers are defined as an ethnic group and are protected as such under the Equality Act (2010).</p>
Scottish Office	<p>The Scottish Office was established in 1885 to manage Scotland’s governance. This was done via the Secretary for Scotland Act 1885.</p> <p>The Scottish Office ran between 1885 and 1999 up until devolution in 1999 leading to the formation of the Scottish Government.</p> <p>Since 1999, the Scottish Office became the Scotland Office, focusing on the UK government’s management of reserved functions as outlined in the Scotland Act 1998.</p>

Term	Application in this report
'Tinker Experiment'	<p>The ‘Tinker Experiment’ refers to a series of legislation, policies and measures which were used to forcibly assimilate Scotland’s Gypsy Travellers.</p> <p>The term ‘Tinker’ is controversial and often considered to be pejorative. However, victims feel that it is essential to retain the terminology of the ‘Tinker Experiment’, as it reflects the application of a term coined by non-Gypsy Travellers, which invoked derogation of this population.</p>
Victims	<p>This term refers to a person harmed by an incident or event.</p> <p>The people impacted by the Tinker Experiment who participated in research conducted by Ramsay and McPhee (2025) are throughout the report referred to as victims.</p> <p>The SHRC uses the term victims, as those impacted by the experiment told the SHRC they believed the term victim was the most suitable term, as they, to this date, feel victimised by the experiment and its impact.</p>

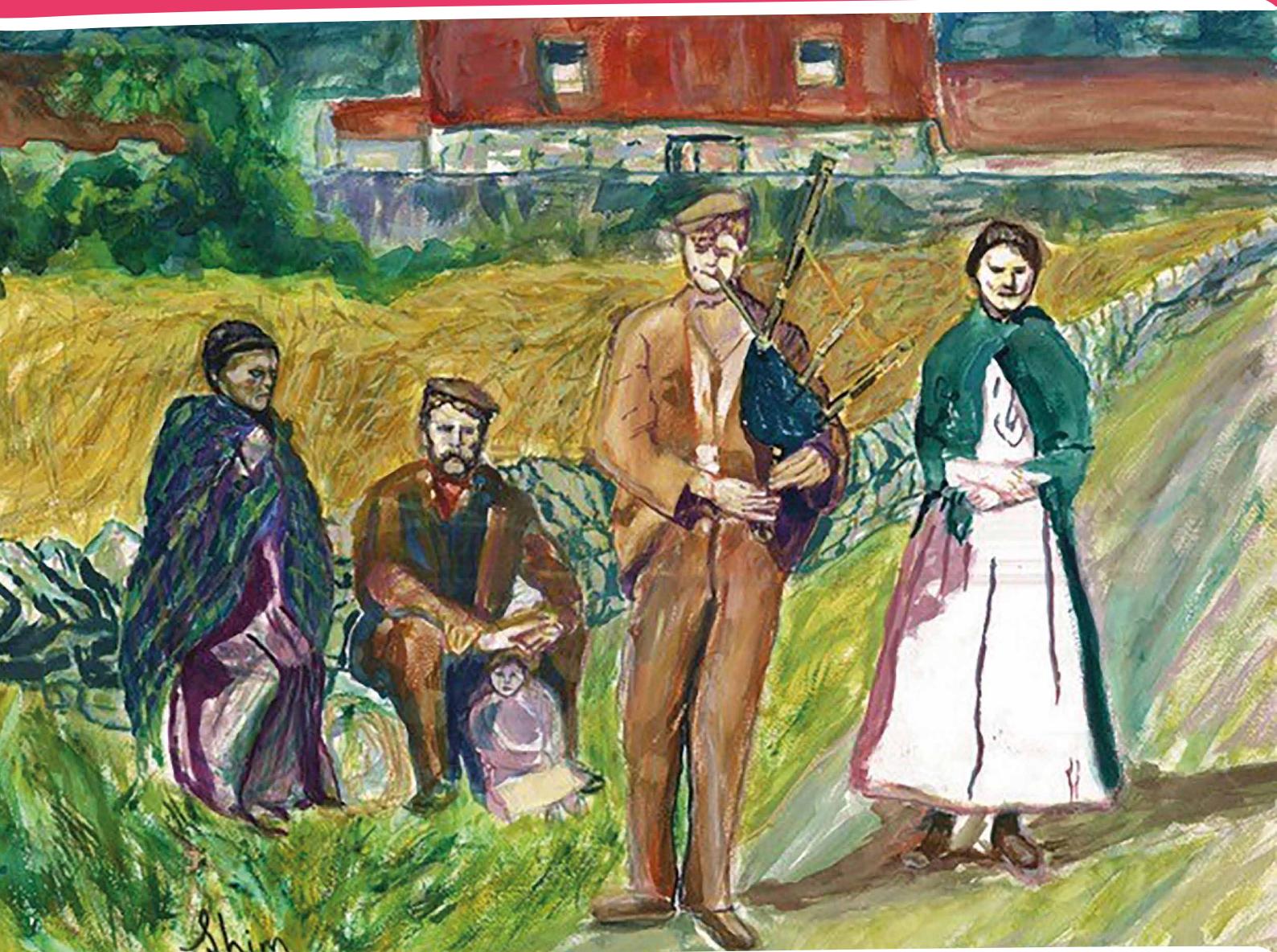
Other terms have been used in relation to the Tinker Experiment by some victims and stakeholders. These terms include ‘genocide’ and ‘ethnocide’. The legal definition of genocide is precise and includes an element of intent which is often hard to prove. The determination as to whether a situation constitutes genocide is legally complex and must be made by a competent international or national court of law with the jurisdiction to try such cases, after an investigation meeting appropriate due process standards.<sup>9</sup> Ethnocide is not a term defined in international human rights law by which the UK is legally bound. The SHRC recognises that victims may wish to use terms which they feel best reflect their experience. However, for the purposes of this report the SHRC uses terms in line with their definitions in the international human rights framework.

## Acronyms: Human rights treaties

This report uses the following acronyms to refer to relevant human rights treaties:

Treaty	Acronym
<b>United Nations Convention on the Elimination of Racial Discrimination</b>	CERD
<b>European Convention on Human Rights</b>	ECHR
<b>Council of Europe Framework Convention for the Protection of National Minorities</b>	FCNM
<b>United Nations International Covenant on Economic Social and Cultural Rights</b>	ICESCR
<b>United Nations International Covenant on Civil and Political Rights</b>	ICCPR
<b>United Nations Convention on the Rights of the Child</b>	UNCRC
<b>United Nations Declaration on the Rights of Indigenous Peoples</b>	UNDRIP

# Chapter one



No Man's Land: Shamus McPhee

# Shining a spotlight on the cultural recognition of Scotland’s Gypsy Travellers

## Background

Since they began uncovering archival evidence of the experiment in the late 1990s, the victims of the Tinker Experiment have advocated for recognition of the harms they have suffered and for the State to apologise and take steps to right the wrongs caused.

When the issue of the Tinker Experiment was first raised in the Scottish Parliament in 2010, the MSPs on the Public Petitions Committee stated that more evidence for an apology was required. There was also consensus from MSPs that the focus should instead be placed on addressing issues affecting Scotland’s Gypsy Travellers at present.<sup>10</sup>

Over the years that followed, victims of the experiment continued to advocate for this issue to be addressed. In 2016, they formed RAJPOT and as a group they shared their experiences at events with Iriss, a charity that works with social work and social care to create positive change in Scotland.<sup>11</sup> The group also met with senior Scottish Government Officials in 2018. This led to the Scottish Government commissioning research into the experiment in 2023, several years later.

In 2023 and 2024, the SHRC met with victims of the experiment, visited Bobbin Mill and Tarvit Mill and heard victims’ experiences of the experiment’s impact. Victims of the experiment raised with us their concerns about the lack of formal recognition of the harms experienced by Scotland’s Gypsy Travellers and a lack of victim involvement in ongoing Government research projects.

Recognising the long-standing concerns of the victims, and the lack of progress over the decades for which they had been advocating for an apology, the SHRC decided to undertake a spotlight project, working with victims to investigate the cultural recognition of Scotland’s Gypsy Travellers as a human rights issue.

## Historic persecution of Gypsy Travellers

The persecution of Gypsy Travellers is neither new nor is it confined to Scotland. Across Europe, the most notable persecution of Gypsy Travellers occurred during the Holocaust, where it is estimated that up to 500,000 Roma and Sinti Gypsies were killed.<sup>12</sup>

Evidence of persecution of Gypsy Travellers in the UK dates back to the 1500s, when:

- In 1530, Henry VIII's 'Egyptians Act' was enacted, which explicitly sought to ban Gypsy Travellers.<sup>13</sup> This was followed in Scotland through a similar order in 1541, where Gypsy Travellers were ordered to leave within thirty days on 'pain of death'.<sup>14</sup> Followed 10 years later by laws passed decreeing that the death penalty should be imposed on anyone who was a Gypsy Traveller.<sup>15</sup>
- In 1571 an Act of Stringency lead to hanging, branding, drowning and pinning of Gypsy Travellers becoming commonplace, with the last known executions of Gypsy Travellers in Scotland taking place in 1714.

While executions in Scotland ended in 1714, there is evidence that other measures were used to punish Gypsy Traveller people post-1714, including banishment, transportation to different territories and forced labour in factories in former labour colonies.<sup>16,17</sup>

This historic persecution sets the backdrop for the continuation of State-sanctioned discrimination set out in **chapter two** of this report.

## Scottish Government research: 20th century policies affecting Gypsy/Traveller communities in Scotland

The research commissioned by the Scottish Government in 2023 was undertaken by the Third Generation Project at the University of St Andrews. This research establishes a timeline of key events in the implementation of policies affecting Gypsy Traveller communities in Scotland. The timeline includes key events related to the Tinker Experiment, evidenced by available records of key decisions by the State and an examination of the roles of collaborating institutions and stakeholders, including Scottish councils. The research also sought to estimate the extent to which these policies were implemented. At a later stage, the study was broadened to include evidence gathering on the removal of children. The research was completed in June 2025.<sup>18</sup>

In examining these areas, the Third Generation Project's research clearly highlights the part of key legislation in creating a hostile environment for Gypsy Travellers and the role played by several national government and Scottish Office-led committees and Scottish councils. The report refers to what occurred as a 'Cultural Genocide'.

Researchers from the Third Generation Project also identified a range of State and non-State actors involved in the Tinker Experiment. This includes the Church of Scotland, the police, and charities including the Royal Society for the Protection of Cruelty to Children (RSSPCC), the Aberlour Trust, Barnardo's, and Quarriers.

## Redress to date

### Scottish Government apology for the Tinker Experiment

On the 25<sup>th</sup> of June 2025, during Gypsy Roma Traveller History Month and after over 15 years of advocacy from victims, First Minister John Swinney offered an apology for the Tinker Experiment on behalf of the Scottish Government. However, this apology fell short of victims’ expectations. A human rights assessment of the First Minister’s apology is set out in **chapter five** of this report.

Beyond the apology, the Scottish Government has primarily reaffirmed existing policy measures which pre-date the apology in June 2025. However, as of December 2025, the Scottish Government have made an additional short-term commitment up to March 2026, involving the allocation of £10,000 to support cultural initiatives related to the “Tinker Experiments,” address urgent needs of those impacted, and to fund projects that promote community cohesion. While positive in its intent, this action on its own does not take a fully rights-based approach and therefore is insufficient to address the harms of the experiment. A full discussion on this is available in **chapter five** of this report.

### Church of Scotland apology

On the same day as the Scottish Government apology the Church of Scotland also apologised for their role in the Tinker Experiment. This apology did not make any commitments for redress from the Church of Scotland at this stage.<sup>19</sup>

### Perth and Kinross Council apology

In January 2026, Perth and Kinross Council apologised to victims of the Tinker Experiment for its role in forced settlement and substandard housing, segregation and isolation, child removal and family separation, discrimination, and lasting harm.

The apology included a commitment to a range of actions related to memorialisation, auditing archives, community engagement, providing access to trauma informed mental health services, education, and awareness raising, reviewing existing policies and dedicated support and representation which they stated should include ensuring the involvement of Scotland’s Gypsy Travellers in relevant groups and decision-making bodies.<sup>20</sup>

At the time of publication of this report, no further details have been provided for how these actions will be implemented. Victims of the experiment have expressed concerns to the SHRC that existing planned improvements to the site at Bobbin Mill are being offered as redress, as opposed to new actions, including financial compensation.

# Chapter two



Gothens: Shamus McPhee

# Timeline of the key events relating to the Tinker Experiment

The following timeline outlines the key events in relation to the Tinker Experiment beginning in the 1800s and events up to and including January 2026. This timeline draws on the archival research conducted by Ramsay and McPhee (2025) and the SHRC's own analysis of available literature. For more detail on events relating to forced assimilation see **chapter four** of this report. Further information on timelines related to the accommodation of Scotland's Gypsy Travellers through the 1900s and 2000s are also available in **chapter four**.

YEAR	EVENT
<b>1824</b>	The vagrancy act made it a criminal offence in England and Wales to be homeless.
<b>1854</b>	The Reformatory And Industrial Schools (Scotland) Act was enacted, allowing for children under fourteen to be sent to an industrial school if found begging, not having a home, proper guardianship, or visible means of subsistence.
<b>1865</b>	The Trespass (Scotland) Act was enacted, making it an offence to lodge or camp on premises or private land without the consent of the landowner or legal occupier of that land.
<b>1871</b>	An extension of the vagrancy act was made to Scotland through Section 15 Of The Prevention Of Crimes Act, which criminalised those living in the open air or under a tent.
<b>1871</b>	The Pedlars Act regulates individuals traveling to sell goods or services, including those defined as 'tinkers' under the act.
<b>1887</b>	The Roads And Bridges (Scotland) Act was enacted, which prohibited gypsy travellers from pitching tents or encamping on or by the side of any turnpike road.
<b>1894</b>	The establishment of the Departmental Committee On Habitual Offenders, Vagrants, Beggars, Inebriates And Juvenile Delinquents by the secretary of state for Scotland leading to an inquiry.
<b>1895</b>	The Departmental Committee On Habitual Offenders, Vagrants, Beggars, Inebriates And Juvenile Delinquents publishes its report.
<b>1897</b>	The Public Health (Scotland) Act was enacted, which gave individual local authorities powers to create by-laws for the regulation of tents, sheds, and other similar structures.



YEAR	EVENT
1908	The Children Act was enacted, which fined Gypsy Traveller parents for nomadism and could result in children being removed from families and sent to industrial schools.
1917	A Departmental Committee on 'Tinkers In Scotland' was appointed by the Scottish Office to examine existing living conditions.
1918	Departmental Committee On Tinkers In Scotland publishes its report which suggests that the Children Act should be used to settle Gypsy Traveller children.
1936	A report from the Departmental Committee On Vagrancy In Scotland made recommendations about 'absorbing tinkers into ordinary society'. <sup>21</sup>
1945	Initial communications between Perth County Council and a solicitor in Auchterarder to purchase an ex-air training corps hut for use at Bobbin Mill.
1945	Letter from county architect and master of works to the county clerk of Perth and Kinross County states that the conversion of the hut at Bobbin Mill should include an asbestos wood wall.
1946	Secretary of State for Scotland approved costs for the purchase and modification of huts.
1946	Perth County Council purchased a Nissen hut, formerly used by the air training corps (atc) at Aberfeldy, for £220.
1946	Conversion of the Nissen hut into four units with two rooms each is undertaken. Perth County Council spent an additional £823 on the dismantling, re-erection and adaptation of the hut and purchased and installed a septic tank.
1947 <sup>22</sup>	Bobbin Mill becomes the first official use of temporary ex-military accommodation used to accommodate Gypsy Travellers.
1954	Church of Scotland chaplain to tinkers, William Webb, wrote to Perth County Council asking them to consider the purchase of an old church and associated land for a permanent camp site for Gypsy Travellers.
1954	Perth County Council turned down the above suggestion made by William Webb based on advice from local police and a medical officer.
1955	A letter from the Perth County Council clerk to the town clerk outlines the active discouragement of camping near Bobbin Mill.

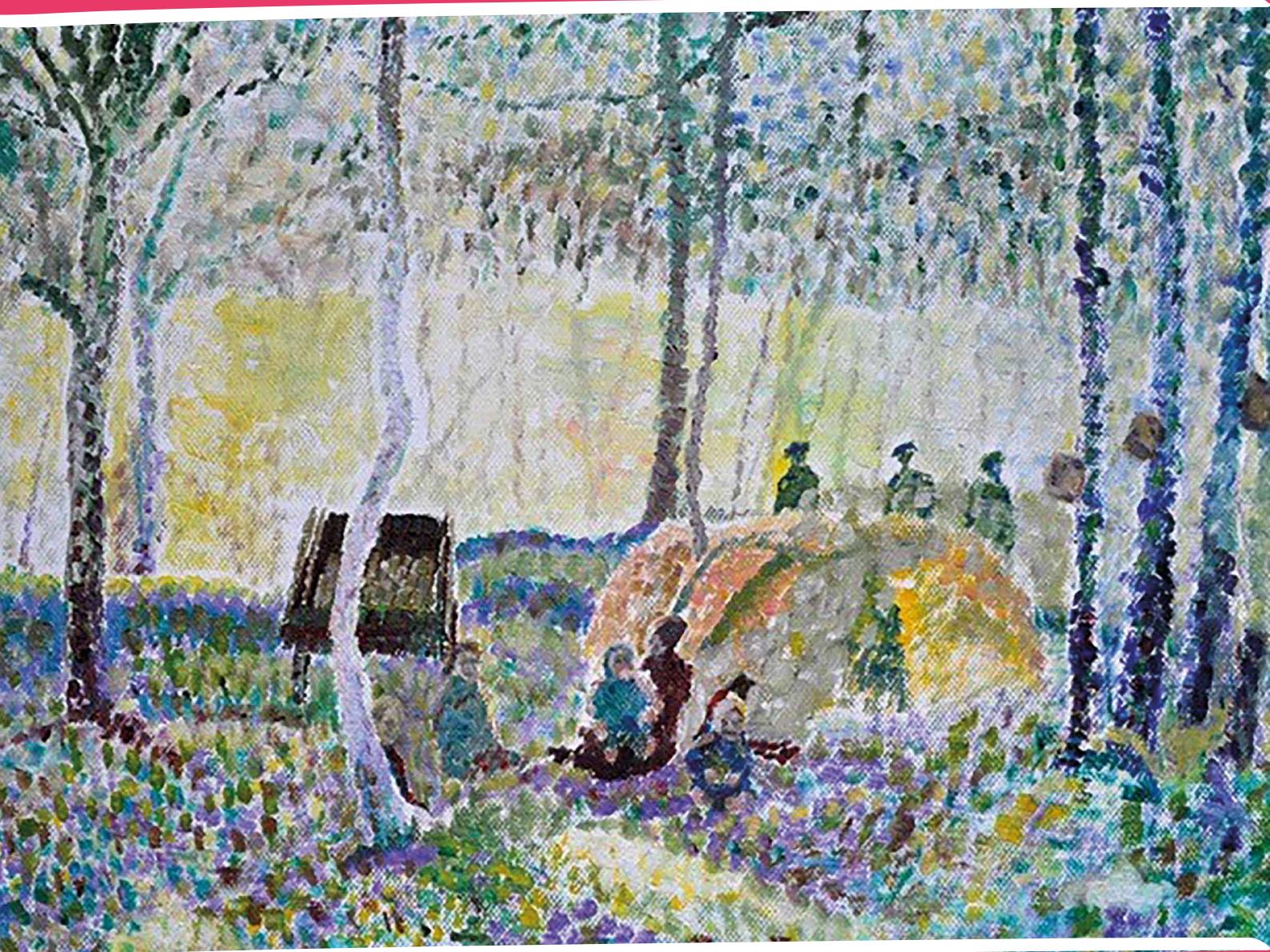
YEAR	EVENT
1955	The county clerk wrote to the county factor, Perth County Council, to raise concerns about overcrowding in two of the accommodations at Bobbin Mill and to take action to address this issue.
1956	The Children's Officer sends a memo to the county factor, requesting that an additional room be added to one of the properties at Bobbin Mill. The Children's Officer states that if this does not occur, the two twins will need to be removed after their birth due to the inadequate accommodation conditions.
1956	Wick Town Council minutes show a decision was taken to offer a house to a Gypsy Traveller.
1956	Following the decision of Wick Town Council a petition signed by over thirty tenants of nearby council houses protesting The Gypsy Traveller moving to the area.
1956	Letter from County Clerk, Ross And Cromarty to Department Of Health for Scotland, shows that Ross and Cromarty instituted a policy of housing only small groups of gypsy travellers in one place.
1956	A newspaper article in Ross-shire journal states there are planned hut sites in three areas: 1) Carnaclashair, Muir Of Ord. 2) Katewell, Evanton. 3) Lewis.
1957	Evidence of William Webb's efforts to establish a campsite, as referenced in a letter from the Perth Council County clerk regarding a failed 'experiment' at Gothens.
1957	Communications between Perth County Council and the county clerk in Dingwall (county clerk of Ross and Cromarty) regarding the development of the experiment site.
1957	The Landward Committee Of Public Health Of Inverness County Council noted that wooden huts were being provided to accommodate two families in Muir Of Ord, Ross-shire.
1957	Communications between Perth County Council and the county clerk of the Council Of Inverness regarding the development of the experiment site.
1958	The Gypsy Traveller resident in Wick was evicted by Public Health And Welfare Committee.
1958	Lewis Town Council minutes outline that the district town council proposed the erection of huts as an experiment.

YEAR	EVENT
<b>1960</b>	The caravan sites and control of development act was enacted required all landowners to acquire a licence from the local authority for providing caravan sites.
<b>1964</b>	Communications between Perth County Council and the county clerk of the Council Of Argyll regarding establishing an experiment site.
<b>1965</b>	Memo from Perth County Council county architect to Perth County Council county clerk and meeting between county sanitary inspector and tinkers padre outlining unsatisfactory sanitary conditions at almond water camps and proposals made to build houses for Gypsy Travellers there.
<b>1968</b>	The caravan sites act placed an obligation on local authorities in England and Wales to provide proper sites for Gypsy Travellers residing in their areas. This did not extend to Scotland.
<b>1969</b>	A study into ‘the nature and problems of Scotland’s travelling people’ was commissioned by the Scotland Office. Its reports were published in 1971.
<b>1970</b>	Moving of Gypsy Travellers from Almond Grove to Hunter’s Crescent housing scheme.
<b>1971</b>	An Advisory Committee On Scotland’s Travelling People was established.
<b>1978</b>	Enactment of the Refuse Disposal (Amenity) Act, which made it an offence to abandon a vehicle, including a trailer, on any land or any part of a road, including a verge.
<b>1980</b>	Two permanent local authority sites had been completed in Scotland.
<b>1994</b>	Enactment of the Criminal Justice and Public Order Act, which gave the police additional powers to attend an encampment to decide if an offence had been committed.
<b>1998</b>	The Advisory Committee On Scotland’s Travelling People’s Work ended.
<b>1998</b>	Thirty local authority sites had been completed in Scotland.
<b>2001</b>	The Scottish Parliament Equal Opportunities Committee undertake an inquiry into Gypsy Travellers and public sector policies.
<b>2001</b>	The Housing (Scotland) Act was enacted requiring local authorities to prepare a local housing strategy, which sets out their strategic vision for housing and related services, including Gypsy Traveller accommodation.

YEAR	EVENT
<b>2003</b>	The Land Reform (Scotland) Act was enacted and made provision for some forms of wild camping for leisure purposes and imposed limitations on the duration of campsites, motorised vehicles and the number of people permitted.
<b>2013</b>	The Scottish Parliament Equal Opportunities Committee conducted an inquiry into the quality and quantity of culturally appropriate accommodation for Scotland's Gypsy Travellers.
<b>2019</b>	The Planning (Scotland) Act created a duty to engage with Gypsy Travellers living in Scotland in local planning processes.
<b>2019</b>	The Scottish Government and COSLA launch the 'improving lives of Gypsy/Travellers action plan' for 2019 to 2021. This was supported by £3 million of investment.
<b>2021</b>	A £20 million investment to improve existing sites and create new sites was committed to by the Scottish Government as part of Housing 2040.
<b>2024</b>	The Scottish Government and COSLA extended the 'Improving Lives Of Gypsy / Travellers Action Plan' via a second plan informed by a community listening exercise, which was launched to run until 2026.
<b>2024 - 2025</b>	The Scottish Housing Regulator finds serious failings of local authorities to meet obligations under the Scottish Social Housing Charter and Scottish Government's minimum site standards in relation to Bobbin Mill and Double Dykes in Perth and Kinross and Tarvit Mill in Fife.
<b>2025</b>	First Minister of Scotland apologises for historic events of the 'Tinker Experiment'. An apology from the Church of Scotland follows later the same day.
<b>2026</b>	Perth and Kinross Council apologise to victims for its role in the 'Tinker Experiment'

Note: This timeline does not seek to cover every event in relation to the Tinker Experiment but rather to provide a comprehensive summary of Ramsay and McPhee's research in combination with key events identified from SHRC's literature review, which have been considered as part of the SHRC's human rights framework analysis.

# Chapter three



Paradise Lost: Shamus McPhee

# Human rights framework

The Tinker Experiment, and the harms it has caused and continues to cause Gypsy Travellers raise significant issues across both domestic human rights law and international human rights conventions.

The SHRC is clear that the Tinker Experiment is not only historic but continues to be perpetuated in legislation, policy and practice today. Therefore, the Tinker Experiment must be treated as a human rights issue of today. As such, victims of the experiment should expect redress and reparations for the harms they have continued to endure.

## The Tinker Experiment as a continuing human rights issue

The SHRC considers that the Tinker Experiment should be recognised as a continuing human rights issue. The International Law Commission has recognised the concept of a 'continuing violation' of human rights. This can be seen in Article 14 (2) of the Draft Articles on Responsibility of States for Internationally Wrongful Acts, in which a continuing wrongful act is recognised as the:

66

...entire period during which the act continues and remains not in conformity with the international obligation, provided that the State is bound by the international obligation during that period. Examples of continuing wrongful acts include the maintenance in effect of legislative provisions incompatible with treaty obligations of the enacting State... 99<sup>23</sup> (p.60)

While the Tinker Experiment may have involved interventions which were lawful at the time they occurred, their lawfulness was the product of anti-Gypsy Traveller prejudice across Scotland and the UK. The expert legal opinion commissioned by the SHRC contends that anti-Gypsy Traveller prejudice has led to violations of international human rights law which include 'systematic racial discrimination' and 'a consistent pattern of gross violations of internationally recognised human rights', which the expert legal opinion is clear time limitations should not apply to.<sup>24, 25, 26</sup>

There is international precedent for adopting an approach which recognises human rights historic abuses as harms of today. For example:

- Switzerland has formally accepted that between 1926 and 1973 Yenish and Manouche/Sinti people were subjected to persecution, which they recognise as a crime against humanity. Switzerland has apologised for persecution, notwithstanding the argument that, until the 1990s, State responsibility for the crime of persecution could only be recognised in connection with war.<sup>27</sup>
- Several redress schemes recognise historic harms as harms of the present including Australia's Stolen Generations and Canada's Indian Residential School Settlement Agreement.<sup>28, 29, 30, 31</sup>

Based on this, the human rights analysis within this report considers the human rights issues faced by the victims of the Tinker Experiment against today's human rights standards.

## Human rights issues raised by the Tinker Experiment

Based on the findings of Ramsay and McPhee (2025) and the Third Generation Project, we have identified human rights issues across the following legally binding international human rights treaties:

### European Convention on Human Rights (ECHR)

- Article 8: Right to Respect for Private and Family Life
- Article 14: Prohibition of Discrimination

The ECHR was ratified in 1951 and incorporated through the Human Rights Act 1998, making it legally enforceable in the UK and ensuring that duty bearers act in accordance with these rights. The Scotland Act (1998) ensures that legislation passed by the Scottish Parliament is compatible with rights protected by the Human Rights Act.

### International Covenant on Economic, Social and Cultural Rights (ICESCR)

- Article 2: States Parties must undertake to guarantee that the rights in the convention should be applied without discrimination.
- Article 11: State parties must recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

The UK ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1976, committing to uphold rights like work, adequate living standards (food, housing), health, and education for everyone.

### United Nations Convention on the Elimination of Racial Discrimination (CERD)

- Article 3: State Parties must condemn racial segregation and apartheid and undertake to prevent, prohibit, and eradicate all practices of this kind.
- Article 5: State Parties must undertake to ensure equality before the law without distinction as to race, colour, or national or ethnic origin, including access to justice, as well as civil and political rights.

The UK ratified CERD in 1969, committing to eliminating racial discrimination and promoting equality.

## Framework Convention for the Protection of National Minorities (FCNM)

- Article 4: State Parties must ensure people belonging to National Minorities have the right of equality before the law and equality in economic, social, political, and cultural life, without discrimination.
- Article 5: State Parties must promote the conditions necessary for National Minorities to maintain and develop their culture, identity, religion, language, traditions, and cultural heritage. State Parties must also refrain from policies or practices aimed at assimilation of National Minorities and must protect them from any actions aimed at assimilation.

The United Kingdom ratified the Council of Europe Framework Convention for the Protection of National Minorities in 1998, making the UK legally bound to uphold the Convention’s principles.

## United Nations Convention on the Rights of the Child (UNCRC)

- Article 9: The right of a child or young person to not be separated from their family unless necessary.

Scotland has incorporated this convention into domestic law through the United Nations Rights of the Child Incorporation (Scotland) Act (2024).

## Right to remedy and redress

Based on the findings of this report, we are clear that victims of the Tinker Experiment must be able to access remedy and redress for the harms they have experienced, and continue to experience.

Article 8 of the Universal Declaration on Human Rights serves as a foundation for human rights protections internationally. This establishes the right to an effective legal remedy for acts violating fundamental human rights in law.

In this context, the right to remedy and redress is also protected by several of the following legally binding human rights articles, including:

- Article 13 of the ECHR: Protects the right to an effective remedy for any violation of ECHR rights.
- Article 2 of the ICCPR: Requires States to ensure that any person whose rights under ICCPR are violated shall have an effective remedy.
- Article 6 of CERD: Requires States to ensure everyone effective protection and remedies against any acts of racial discrimination which violate human rights.
- Article 39 of UNCRC: Requires States to take measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts.

## Right to reparations

As outlined above, many different international human rights treaties establish and protect the rights of victims of human rights abuses to remedies, of which reparations are a critical part.

Reparations have been recognised as a dimension of rights protection under the ICESCR.<sup>32,33</sup> They have also been recognised in the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>34</sup>

While not ratified by the UK, it is worth noting that Articles 8, 11, 20, 28 and 32 of the UNDRIP make provisions regarding reparations.<sup>35</sup> Critically, Article 8 of the Declaration states that: “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture” and that where this occurs, redress should be available.

Additionally, the United World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance Declaration and Programme of Action, known as the ‘Durban Declaration and Programme of Action on Racism’ reaffirmed the requirement of justice for victims of human rights violations resulting from racism, racial discrimination, xenophobia and related intolerance. The Declaration stated that critical to this was: “...effective and appropriate protection and remedies, including the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination...”<sup>36</sup>

The human rights analysis presented throughout the following chapters of this report draws from both legally binding human rights treaties as well as non-legally binding guidance, reports, and general comments from international human rights bodies. A list of legally binding treaties and non-legally binding guidance, reports and general comments used in this report is available in **Annex A: Human rights standards relevant to the Tinker Experiment**.

It is the SHRC’s view that, in line with a maximalist approach to the implementation of human rights, the Scottish Government and other duty bearers should consider the wide body of expert human rights guidance and reports referenced in **Annex A**, in addition to their formal legal obligations under human rights treaties and domestic law.

# Chapter four



No Common Ground: Shamus McPhee

# Evidence and analysis of human rights issues

This chapter sets out the key human rights issues presented by the evidence of the Tinker Experiment. These are:

- forced assimilation
- the right to adequate housing
- right to a private and family life
- rights to health, education and employment
- and the right to cultural life.

In this chapter, we set out the relevant human rights, and the evidence of failure to realise – and in some circumstances violations of – these rights.

## Forced assimilation

### Key findings

1. The State systemically forced the assimilation of Scotland’s Gypsy Travellers by conflating nomadism with vagrancy, discriminating against Gypsy Travellers and by enacting laws in the 1800s and 1900s to suppress nomadic practice and to remove Gypsy Traveller children from their families.
2. The acts of forced assimilation carried out by the State are incompatible with Article 5(2) of the Framework Convention for the Protection of National Minorities (FCNM).

### Rights protecting Scotland’s Gypsy Travellers from forced assimilation

Forced assimilation is incompatible with international human rights law. Article 5(2) of the FCNM states that: “Parties will refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and will protect these persons from action aimed at such assimilation.”<sup>37</sup>

The UN Committee on the Elimination of all forms of Racial Discrimination has acknowledged the forced assimilation of Scotland’s Gypsy Travellers, noting its concern that the causes and consequences of forced assimilation of Gypsy Travellers have not been addressed by the UK and Scottish Governments.<sup>38</sup>

### Evidence of forced assimilation

The evidence demonstrates acts of forced assimilation which are incompatible with the protections described by the international human rights framework including the FCNM.

## Timeline of forced assimilation events

YEAR	EVENT
<b>1824</b>	The Vagrancy Act is enacted which conflated nomadism with vagrancy.
<b>1854</b>	The Reformatory and Industrial Schools (Scotland) Act was enacted allowing for Sheriffs and Magistrates to send children under the age of fourteen to an industrial school if they were found begging, not having a home or settled abode, proper guardianship or visible means of subsistence.
<b>1865</b>	The Trespass (Scotland) Act was enacted making it an offence to lodge or encamp on premises or private land without the consent of the landowner. It also made it illegal to camp or light a fire on or near any private roads, enclosed or cultivated land, plantation, on or near any turnpike road, statute labour road or other highway.
<b>1871</b>	The Vagrancy Act is extended to Scotland through Section 15 of The Prevention of Crimes Act which criminalised those living in the open air or under a tent.
<b>1871</b>	The Pedlar's Act was enacted leading to the regulation of individuals travelling to sell goods or services.
<b>1887</b>	The Roads and Bridges (Scotland) Act was enacted which prohibited Gypsy Travellers from pitching tents or encamping on or by the side of any road.
<b>1894</b>	The establishment of an Inquiry into 'Habitual Offenders, Vagrants, Beggars, Inebriates and Juvenile Delinquents'.
<b>1895</b>	The Inquiry into 'Habitual Offenders, Vagrants, Beggars, Inebriates and Juvenile Delinquents' publish its report.
<b>1897</b>	The Public Health (Scotland) Act was enacted granting individual local authorities the power to create by-laws regulating tents, sheds, and other similar structures deemed a public health nuisance.
<b>1908</b>	The Children Act was enacted bringing together laws concerning destitute children, children who were victims of cruelty and neglect and children who had committed an offence. <sup>39</sup>
<b>1917</b>	A Departmental Committee appointed by the Scottish Office was established on 'Tinkers in Scotland'
<b>1918</b>	The Departmental Committee on Tinkers in Scotland published their report.
<b>1936</b>	The Departmental Committee on Vagrancy in Scotland publishes its report.
<b>1967</b>	Criminal Justice Act was enacted increasing maximum penalties for offences under the Trespass (Scotland) Act.

Note: This timeline does not seek to cover every event in relation to Forced Assimilation but rather provides a comprehensive summary of Ramsay and McPhee's research in combination with key events identified from the SHRC's literature review.

## Methods used by the State to force assimilation of Scotland's Gypsy Travellers

This evidence demonstrates a range of actions which have been employed by the State to force the assimilation of Scotland's Gypsy Travellers. These can be grouped into the following themes.

### Conflation of nomadism with vagrancy

Legislation passed in the 1800s conflated nomadism with vagrancy and sought to punish both groups. This included criminalisation of those living in the open air or under a tent. Additionally, there was the regulation of individuals travelling to sell goods or services, and bylaws were made available to local county councils at a later stage to suppress vagrancy later in the century.

As well as legislation, key inquiries also conflated nomadism and vagrancy including the Inquiry into 'Habitual Offenders, Vagrants, Beggars, Inebriates and Juvenile Delinquents' (from here called 'the 1894 Inquiry'). The 1894 Inquiry was a decisive point in Scotland's history, setting the tone for further inquiries and the later establishment of 'experiment' sites in Scotland. It defined 'tinkers' and 'gipsies' as a specific class of beggar or vagrant, distinct from other categories. This report also described Scotland's Gypsy Travellers as 'inveterate beggars' who were characterised by witnesses as a drain on rural communities, from whom they sought food and land on which to camp.

### Discrimination against Scotland's Gypsy Travellers

Discrimination against Scotland's Gypsy Travellers can be seen across the 1894 Inquiry with witnesses to the Inquiry making statements advocating for eradication of the Gypsy Traveller's nomadic way of life.

Following this, a Departmental Committee was established on 'Tinkers in Scotland'. The committee's report provides one of the clearest examples of the discrimination faced by Scotland's Gypsy Travellers, at this time, stating:

66

Diagnosis of a disease is essential to its cure. Tinkerdom is a very real social disease, but its diagnosis is difficult. The generally accepted belief is that tinkers are an immigrant race representing a stage of human development different from that current in the society into which they intruded [...] A later theory is that the tinker is less an immigrant than the descendant of an aboriginal native race. But tinkers as we see them to-day are undoubtedly a composite people. In all communities there are both men and women who do not take kindly to settled industrial conditions. 99<sup>40, 41</sup>

Further, a later report the Departmental Committee on Vagrancy evidences clear discrimination in their recommendations about 'absorbing tinkers into ordinary society'.<sup>42</sup>

## Criminalisation of Scotland's Gypsy Travellers

A key tool used in assimilating Scotland Gypsy Travellers was the criminalisation of nomadism. Central to this was the Trespass (Scotland) Act 1865 along with several other pieces of legislation were introduced in the 1800s to inhibit camping.

The Trespass (Scotland) Act 1865 is still in force in Scotland today due to laws passed in the 1900s such as the Criminal Justice Act 1967. This Act increased the maximum penalties for offences under the Trespass (Scotland) Act 1865.<sup>43</sup> Twentieth century prosecutions under the Trespass (Scotland) Act 1865 have been documented in various regions of Scotland with increased enforcement of the Act noted from the 1930s onwards.<sup>44</sup>

Gentleman and Swift, who wrote the report by the Scottish Development Department on problems and solutions in relation to Scotland's Travelling people, stated that the threat alone of prosecution under the Act suppressed nomadism.<sup>45</sup>

## Removing children from Gypsy Traveller families

Another key method used to force the assimilation of Scotland's Gypsy Travellers was the enactment of legislation which could be used to remove children from Gypsy Traveller families.

The Reformatory and Industrial Schools (Scotland) Act 1854 allowed for Sheriffs and Magistrates to send children under the age of fourteen to a home if they did not have a settled abode. Part of the intent of the Act was to force assimilation, demonstrated by statements of witnesses to the 1894 Inquiry who cited industrial schools as key to achieving assimilation.<sup>46</sup> Further, the Departmental Committee on Tinkers report highlighted the supposed 'success' of industrial schools as an approach that severed ties between children and their birth families.<sup>47</sup>

The Children Act 1908 also enacted measures which were particularly restrictive to Scotland's Gypsy Travellers. The Act enabled measures that any person habitually wandering from place to place with a child over the age of five, who had not obtained a certificate confirming at least two hundred attendances during October and March, was liable to be fined and may be deemed not to be exercising proper guardianship over the child. This was supported by further sections of the Act which enabled children who had not made 200 school attendances to be sent to an Industrial School.

Evidence gathered by Ramsay and McPhee shows that the Departmental Committee report made suggestions that the Children Act 1908 be used to settle Gypsy Travellers.<sup>48</sup> The report noted that Gypsy Travellers feared breaking the law, and therefore could be persuaded to settle permanently, suggesting that:

66

...through the children (and the threat of their removal), sufficient pressure can be exerted on the mothers to induce them to adopt settled habits 99.<sup>49</sup>

One victim in their testimony to Ramsay and McPhee recounted that this was the approach used to assimilate their parents:

66 They had nae choice. It was either because they had new laws in place that prevented Travellers from using the roads. They were probably had their hands tied, they didnae ken what tae dae, for fear o their kids gettin taken away. 99

The same victim highlighted that even though the family accepted council housing and sent their children to the local school, a high level of fear was experienced around the removal of children, stating:

66 A man called Jackson from the local authority he’d come chappin on the door, tryin the handle o the door, bangin on the windae. We’d all be [...] terrified, and I mean absolutely petrified. Because we always had a fear of a children’s home. 99 <sup>50</sup>

## Right to adequate housing

### Key findings

1. The Scottish Government and local authorities have failed, and continue to fail, to uphold an adequate standard of living protected by Article 11 of ICESCR in relation to adequate housing for Scotland’s Gypsy Travellers.
2. Failure to uphold Article 11 of ICESCR is clearly evidenced in the development of experiment sites, like Bobbin Mill, used to forcibly assimilate Scotland’s Gypsy Travellers through the provision of intentionally substandard accommodation paid for by the State.
3. Examples of substandard accommodation funded by the State include the use of asbestos wood walls in the Nissen hut at Bobbin Mill. Additionally, there was a lack of electricity provision at Bobbin Mill until the 2010s. This lagged behind improvements made to general housing provision.
4. Evidence suggests that Perth County Council knew of Church of Scotland’s attempt to establish a camp at Gothens.
5. Local councils sought to roll out the approach taken at Bobbin Mill in a number of areas across Scotland.
6. Failure to uphold Article 11 of ICESCR continues today through the provision of substandard accommodation at sites including: Bobbin Mill, Double Dykes and Tarvit Mill as highlighted by the Scottish Housing Regulator.

7. The substandard accommodation conditions currently experienced by Scotland’s Gypsy Travellers raise further issues in relation to discrimination. Evidence suggests a failure to address issues arising under Article 8 combined with Article 14 of the ECHR, Article 2 of ICESCR and Article 5(e) of CERD. All articles require states to both prohibit and take active steps to eliminate discrimination in rights such as adequate housing.

## Rights protecting Scotland’s Gypsy Travellers’ access to adequate housing

Article 11 of ICESCR provides for the right to an adequate standard of living, including the right to adequate housing. The right to adequate housing has seven components:<sup>51</sup>

1. Legal security of tenure
2. Availability of services, materials, facilities, and infrastructure
3. Affordability
4. Accessibility
5. Habitability
6. Suitability of location
7. Cultural adequacy

Adequate housing must contain certain facilities essential for health, security, comfort, and nutrition. There must be sustainable access to natural and common resources, safe drinking water, energy for cooking, heating, and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.

Additionally, a number of articles in international human rights law require States to both prohibit and take active steps to eliminate discrimination in rights such as adequate housing. This includes:

- Article 8 of the ECHR protects the right to private and family life, home and correspondence. While this at times can be interfered with under certain conditions, interference cannot be done on a discriminatory basis.
- Article 14 of the ECHR ensures all rights in the Convention must be secured without discrimination.
- Article 2 of ICESCR commits States to progressive realisation of the rights in the Covenant within maximum resources and without discrimination.
- Article 5(e) of CERD commits States to eliminate racial discrimination in all its forms in relation to economic, social and cultural rights.

Further, and of relevance to the evidence presented in the following section (regarding Gothens camp), is that a State can be held responsible for failure to comply with human rights carried out by private actors where public officials accept the act.<sup>52</sup>

## **Evidence of failure to comply with rights to adequate standard of housing**

### **Provision of purposefully substandard accommodation at Bobbin Mill funded by the Department of Health for Scotland**

The clearest evidence of the State failing to comply with rights to housing comes from evidence demonstrating provision of purposefully substandard accommodation at Bobbin Mill funded by the Department of Health for Scotland.

Ramsay and McPhee's research found that following Perth County Council's purchase of a Nissen Hut, the council had the hut moved to the Bobbin Mill Woods in Pitlochry. It was then divided into four units, each comprising two rooms, one a kitchen/living space and one a bedroom.

The researchers also found that in January 1946 the Department of Health for Scotland had contacted Perth County Council to suggest that they create three-room units, rather than two-room units. This would have provided extra space and allowed children of each sex to have a separate sleeping space.

Instead, Perth County Council retained their original plan of creating four two-room units, alongside which they imposed a rule that a maximum of three individuals could occupy each unit. Following this decision, the Secretary of State went on to give special authorisation for the two-roomed houses proposal because the development was for Gypsy Travellers and suggested that the local authority could borrow the cost of conversion of the Bobbin Mill Nissen hut from the Scottish Home Department.

The Nissen hut was moved to Bobbin Mill at Pitlochry and split into four units. The total footprint of each would have been approximately twenty-six square metres. The Nissen hut in question was a wooden-framed prefabricated hut of rectangular form with a felt roof, replaced with corrugated iron.

The internal division between the two 'rooms' in each unit was made of asbestos-wood panels. Victims recall that the asbestos was removed around the 1980s. The use of asbestos was banned in the UK in 1999.<sup>53</sup>

It is clear that Bobbin Mill was inadequate for much more than a couple, or at most a small family with children of mixed sexes beyond early childhood. However, the authors found that against the advice of the Department of Health (although later with the Department's support), Perth County Council divided the Nissen hut into four 'houses', each with two 'rooms'.

The researchers noted that while Nissen huts were not uncommon in the post-war period for housing people experiencing homelessness, these accommodations were typically short-term. Additionally, researchers highlighted that the absence of electricity had not been uncommon but that this was related to properties being outdated and was improved for the general population via:

- Enactment of key legislation such as the Hydro Electric Development (Scotland) Act 1943, the Housing Repairs and Rents Act 1954 as well as the establishment of various bylaws governing housing standards.
- Government issued grants to support the development of housing that met modern standards.

Bobbin Mill, on the other hand, was not a short-term housing arrangement or existing home that had become outdated; instead, it was intentionally set up to be substandard. While authorities took action to roll out electricity to the majority population and put in place laws to ensure housing was up to an adequate standard, huttet accommodation without electricity for Gypsy Travellers was still being proposed by Perth County Council up to 1961. Officials working for Perth County Council acknowledged in a 1962 memo acknowledged that the huts at Bobbin Mill were "sub-standard as far as houses go".<sup>54</sup>

One victim currently living at Bobbin Mill recounted their experiences of living in this substandard accommodation stating:

66

I've lived my life with the rest of my family in the Bobbin Mill in a Nissen hut in very degrading, overcrowded conditions. There were ten of us altogether, eight children and two parents and we had a one-bedroomed house. We had no electricity in the house, no hot water, no baths or showers. 99<sup>55</sup>

What distinguishes Bobbin Mill from other huttet accommodation was the intention of Perth County Council to design a site that was purposefully substandard to assimilate Scotland's Gypsy Travellers to the settled community. Evidence of this is highlighted in correspondence between Perth County Council and the Department of Health for Scotland:

66

The Council's reason for adopting the type plans referred to in my letter of 13th May was not to achieve economies in the cost of constructing these houses, but that they thought that a type of house which would be somewhere between a standard Council house and very sub-standard accommodation was the answer in order that the tinkers could gravitate from their present accommodation into accommodation which was likely to be more acceptable to them and later into standard Council houses. It was thought by the Council that the provision of standard Council houses for the tinkers might prejudice the success of the experiment.

99 (16th June 1964).<sup>56</sup>

Victims also recounted to the researchers that the intentionally substandard accommodation provided at Bobbin Mill by Perth County Council in 1947 was not subsequently added to or updated. This meant that between 1947 and 2010 (when the Nissen huts were replaced with chalets), those living at Bobbin Mill did not have access to hot water or electricity. The only improvement was in 2008, when a relative of the victims installed a small two-ring gas hob, which was used for cooking instead of the open fire.

Victims of the experiment have spoken clearly about the social isolation they have experienced as a result of being forced to settle at Bobbin Mill. Victims believe they were shunned due to their association with substandard accommodation, which prevented them from forming connections in the broader community. This is compounded by the stigma of their living situation and their inability to establish reciprocal home visits. One victim stated:

66

Parents were not keen on you mixing with [their] children even although you were in the top classes, you were educated, you were quiet. They didn't want you coming to their houses [...] And [...] I couldn't reciprocate [...] like normal children in their life, they build those steps, you know, step by step for socialising when they're older. We couldn't do that because we had one bedroom, we were overcrowded, the conditions were appalling [...] So, this continues today in adult life because we're still sitting here, we're still in an Experiment and we're still viewed as people who live in the old huts. 99 <sup>57</sup>

## Development of other experiment sites across Scotland

Bobbin Mill was not the only site of forced settlement. Evidence gathered by Ramsay and McPhee also points to a concerning approach from local areas to roll out similar approaches to hatted accommodation for Scotland's Gypsy Travellers. The researchers highlight archival evidence pointing to this occurring in:

- Carnaclashair, Muir of Ord,
- Katewell, Evanton,
- and Lewis.

The researchers go on to provide evidence of local areas seeking advice from Perth County Council and one another for the development of experiment sites like Bobbin Mill in Ross and Cromarty, Inverness, and Argyll. Researchers also found evidence suggesting that a similar approach was proposed in Aberdeenshire.

## Gothens Camp

The researchers found that in 1954, the Church of Scotland Chaplain to Tinkers, William Webb, asked Perth County Council to consider the purchase of an old church and associated land for the development of a permanent camp site. The County Council declined, based on advice from the local police and medical officer. Despite this, there is evidence that Webb continued his search for ground to establish an official campsite and that this was known about by Perth County Council. This is evidenced from letter from the County Clerk, referring to a failed experiment at Gothens:

66

You will also recall that Mr. Webb organised what was intended to be a supervised camp for tinkers at Gothens, but after only a short few months this had to be given up. 99  
(19 February 1957)

Victims who lived at Gothens Camp described their experience of living there as resulting in:

66

...a vast amount of destruction caused with the lifestyle that the authorities gave us and the council and these people in Perthshire. 99<sup>58</sup>

Victims of the Tinker Experiment believe that Gothens remained a directed camp, where police or other authorities would direct Gypsy Traveller families to, both during and beyond its short time as an organised camp run by Church of Scotland.

The research by Ramsay and McPhee does not establish the exact dates during which the Gothens camp existed, nor does it confirm or deny of the directed camp theory regarding Gothens. Instead, the researchers state:

66

...what can be said with confidence is that authorities knew that where a campsite was known to be available, Gypsy Travellers were compelled there by the dual pressures of the Trespass (Scotland) Act, 1865 and the Children Act, 1908. 99<sup>59</sup>

Additionally, researchers found that the Church of Scotland had previously suggested camps in the 1930s. In June 1932, the Church of Scotland Home Mission sent a report to the Secretary of State for Scotland in the hope that the government would act to establish a national rather than local plan to settle Gypsy Travellers. The report was based on observations of a 'controlled camp' at Hurtwood in Surrey. When later in 1932 plans for a controlled camp in Scotland were reported in the press, the Church of Scotland Home mission defended the policy against public concern that the term 'camps' signalled an intention to set up concentration camps.

Details of the Church of Scotland's involvement in the broader Tinker Experiment were outside the scope of the SHRC commissioned research. For more details of the Church of Scotland's involvement, see research from the Third Generation Project at the University of St Andrews.<sup>60</sup>

### Failure to address the accommodation needs of Gypsy Travellers by the Department of Health for Scotland

At the centre of forced assimilation across Scotland was a failure of the Department of Health for Scotland to act in relation to the accommodation needs of Scotland's Gypsy Travellers. Researchers state that the key to this was the conflation of the Gypsy Traveller population and the post war homeless populations in camps such as Longman Camp, Raigmore Camp, the Bught Camp and the Buncrew Camp. Each of the camps provided Nissen huts and other temporary accommodation to both people experiencing homelessness and Gypsy Travellers post the Second World War.

Records of meetings between the Department of Health for Scotland and Highland County and town councils evidence this conflation, which had the consequence that the issues of forced assimilation affecting Gypsy Travellers were not addressed. The researchers state:

66

...the post-war homeless were propelled into hopelessness (or squatterdom) through a combination of post-war housing shortage and new aspirations for private family space (as opposed to older models of intergenerational households), the solution to their needs was the provision of more housing supported by centrally (government) administered subsidies and grants and governed by strict housing standards. The pretence of an equivalence between the needs of these temporarily homeless squatters and those of Gypsy Travellers ignored the conditions that had caused the latter's very different form of homelessness, which no amount of house building could solve. 99<sup>61</sup>

The conflation of the homeless population and Gypsy Travellers described by the researchers can also be seen in the attitudes of Parliamentarians. In answer to a question raised in June 1956 regarding the urgent need for accommodation for Gypsy Travellers camped at Hillhead Quarry at Wick, the Joint Under-Secretary of State for Scotland compared the camp at Wick to a squatter camp, stating:

66

There is a basic resemblance between conditions (at Hillhead Quarry) and those at some of the squatter camps, which, for all practical purposes, puts the cases into the same category... Effective action is being taken throughout the whole country to get rid of the unsatisfactory conditions which exist in properties of this kind. We shall continue to work for the complete elimination of the problem, although I am bound to say that as we get down to rock bottom the difficulties become greater and progress becomes slower. The difficulties are no less at Wick than elsewhere. 99<sup>62</sup>

The researchers highlight that while there might have been some similarity in the experiences of the Gypsy Travellers and the homeless population, their conflation allowed the then Government to ignore the specific needs of Scotland's Gypsy Travellers. This, in turn, meant that the Department for Health for Scotland could distance itself from any urgency of action related to the conditions in which Scotland's Gypsy Travellers were living because of the various intersecting laws that targeted their culture.

Without urgent and centralised action for Gypsy Travellers, local areas were left to devise solutions leading to the adoption of a similar approach to that taken at Bobbin Mill.

This situation was further exacerbated by the Department of Health for Scotland's willingness to support funding of huttied accommodation (whilst still stating its disapproval of these developments). For example, the researchers have highlighted one letter from the Department of Health for Scotland from 1956, which said:

66

It was pointed out to [Ross and Cromarty] County Council, however, that as the accommodation proposed to be provided would not meet the Department's housing standard, there would be no question of Exchequer subsidy being payable under the Housing Acts. The Department have stated that they would be prepared, nevertheless, to make the necessary recommendations for borrowing purposes. 99<sup>63</sup>

## Site standards in Scotland to date

Today, site standards across Scotland have not greatly improved, with research highlighting that 46% of mapped sites in Scotland were 50 metres or less from hazards and locations with pollution and environmental degradation.<sup>64</sup> Many authorised sites are situated close to hazards, including motorways, industrial estates, sewage treatment plants, recycling and refuse centres, and areas that are prone to flooding.<sup>65, 66</sup> Proximity to such hazards exists alongside being geographically isolated from essential services such as health and education, which would be taken for granted by the settled community.<sup>67</sup>

Separately, evidence from recent research and community engagement projects by both Clark and the Scottish Women's Budget Group have found that existing sites have complaints of vermin, mould, pollution (air, noise, and land), lack of appropriate hygiene facilities, blocked drains, and termite or insect infestations.<sup>68, 69</sup> Moreover, most official sites were built in the 1980s and were poorly constructed and poorly insulated. This, coupled with a lack of maintenance, has led to significant deterioration of standards on sites between their original construction to date.<sup>70, 71</sup>

Gypsy Travellers themselves have begun monitoring the conditions on the sites where they live. Residents of Double Dykes alongside Making Rights Real, a grassroots human rights organisation that supports communities, published monitoring reports both in 2022 and 2024 regarding conditions on this site. Residents of Double Dykes found that in 2024:

- 83% of households reported issues with mould and damp issues. This was a slight reduction from 87.5% in 2022, but still far above acceptable levels.
- 67% of households reported persistent issues with sewage and drainage.
- Heating issues were reported by 83% of households, a significant increase from 50% in 2022.
- Infestations remained a persistent problem with 83% of households stating they were impacted by this.<sup>72</sup>

It is, therefore, unsurprising that between 2024 and 2025, the Scottish Housing Regulator found serious failings to meet obligations under the Scottish Social Housing Charter and Scottish Government's Minimum Site Standards in relation to both Double Dykes and Bobbin Mill in Perth and Kinross as well as Tarvit Mill in Fife.

While reporting on Bobbin Mill in March 2025, the Scottish Housing Regulator found that Perth and Kinross Council failed to meet minimum site standards for Gypsy Traveller sites including essential fabric standards, energy efficiency, safety and security and consultation. The Regulator also found that the council had failed to meet its obligations under a number of the Scottish Social Housing Charter outcomes and standards specifically in relation to equality, communication, participation, repairs, maintenance and improvements and working Gypsy Travellers. Similar findings were made in relation to Double Dykes.

This issue is not restricted to Perth and Kinross Council. In reporting on the Gypsy Traveller site at Tarvit Mill, the Scottish Housing Regulator concluded that Fife Council has failed to meet its obligations under outcomes in the Scottish Social Housing Charter, as well as key standards on essential fabric repairs, facilities and amenities, safety and security and maintenance and repairs in the Scottish Government's minimum standards for Gypsy Travellers sites.<sup>73</sup>

## Right to a private and family life

### Key findings

1. By removing children from a family of Gypsy Travellers at Bobbin Mill for no reason other than to ease overcrowding, when alternative measures where available, the State failed to comply with Article 8 of the ECHR regarding respect for private and family life.
2. The State threatened to remove children to compel families to assimilate. By today’s standards, such threats would amount to an interference with Article 8 of the ECHR. This has caused mental distress and prevented Scotland’s Gypsy Travellers from conducting their family life and caused significant and lasting trauma.
3. Removing children and placing them into care homes, including Kippen House, raises human rights issues in relation to Article 9 of the UNCRC.

### Rights protecting Scotland’s Gypsy Travellers’ private and family life

Children and parents have a right to private and family life under Article 8 ECHR. The removal of children from their parents is a human rights issue for both the children and the parents.<sup>74</sup> The right to reside together as a family is a fundamental component of Article 8.

In some cases, the State must interfere with this right by removing a child from their parents, but this is only permitted where it is necessary. For example, where the safety of the child is imminently at risk. A key component of necessity is that there is no alternative course of action; it requires what the European Court of Human Rights terms ‘very exceptional’ circumstances.<sup>75</sup> Children also have a distinct right not to be separated from their parents against their will unless necessary, under Article 9 UNCRC. In any case where a child is taken from their parents, the main aim must be to facilitate family reunification as quickly as possible.

### Evidence of failure to comply with the right to private and family life

#### Removal of twins from Bobbin Mill

A victim who participated in the research recounted that their family was living at Bobbin Mill in 1955 before they and their twin sibling were placed into a children’s home. Based on evidence collated by the researchers this was due to overcrowding at Bobbin Mill.

The researchers found that on the 9<sup>th</sup> of November 1955, following concerns raised regarding overcrowding, the County Clerk wrote to the County Factor at Perth County Council to ask them to ease overcrowding at Bobbin Mill.

However, the researchers found evidence that, six months later, the Children's Officer wrote to the County Factor stating they would need to remove the aforementioned twins from Bobbin Mill due to the persistent overcrowding. A copy this letter is found in **Annex D: Transcribed memorandum regarding removal of twins from Bobbin Mill**.

The letter from the Children's Officer indicated that the poor state of the accommodation was the only issue identified by them as a cause for concern. The Children's Officer had taken action to attempt to remedy the situation by finding someone willing to build the required extension.<sup>76</sup> However, no evidence suggests that this was progressed.

Instead, the victim's testimony shows that the twins were removed from their family soon after birth. In this case, the substandard accommodation provided by Perth County Council at Bobbin Mill directly resulted in overcrowding causing the removal of two children from their family to a children's home.

The victim described to the researchers their response to first reading the letter about their removal:

*66 When I got showed the Tinker Experiment thing, I just burst out crying, I thought, How could they do this to us? 99*<sup>77</sup>

Both the archival evidence and the victim's testimony indicate a failure of Perth County Council to provide appropriate accommodation for Scotland's Gypsy Travellers living at Bobbin Mill, leading to the removal of newborn twins from their families leading to a failure to comply with Article 8 of the ECHR.

Removal of children from Gypsy Traveller families, Gypsy Traveller children's over-representation in child welfare institutions, their placement in Industrial Schools and in military training ships and the existence of Barnardo's and Quarriers child migration programmes was found by the Third Generation Project at the University of St Andrews. While outwith the scope of Ramsay and McPhees research, the SHRC believes this information is relevant to **chapter five** of this report in relation to redress and reparations.

### **Perth and Kinross County Council children's home: Kippen House**

More than one victim who participated in the research reported being removed from their families to a children's home. One children's home which was repeatedly mentioned by victims was Kippen House.<sup>78</sup>

The following victim recounts being moved from the Waterloo area, near Bankfoot, to Kippen House:

[victim]: Yeah, we travelled all the time my whole life, all over the place

[Co-researcher]: and then you ended up in Waterloo in the house? Do you remember what happened to you in Waterloo? You said it wasn't a nice experience.

[victim]: Well, it wasn't a nice experience because the building were pretty dilapidated, fallen down in some part of the building, they came ... there was five of us taken away from there, me and my siblings, we were taken away to a home from there, there was five of us, to a home called Kippen House <sup>79</sup>

The same victim also recounted the harmful treatment they experienced at Kippen House:

**66** ...We were treated very badly at Kippen House, by staff ... with us being Travellers, we weren't used to the food that they gave us ... they would try to shove it down our throats and they ... put it across our faces. An if you swore or anything, they made you eat soap. If you were misbehaving, they put you in big dark cupboards and locked you in with a key **99**.<sup>80</sup>

Evidence from victims' testimony that indicates that they were removed from their families and taken to a children's home called Kippen House where they report experiencing harmful treatment.

### Intergenerational trauma and negative mental health impacts

The effect of children being removed from their families has undoubtedly led to ruptured families, significant intergenerational trauma, and mental health issues.

For the twins removed from Bobbin Mill, this resulted in challenges reintegrating with their family once they were returned:

**66** We were in care off and on and then we were put back to our family. We didn't get on with our siblings. The bond between mother and father for (my twin) and I wasn't there – we didn't fit in. **99**<sup>81</sup>

Ultimately, the victim in this case attributes this experience to a life they described to the researchers as 'horrible.' As they have grown older, they have struggled to move past this experience, which has led to issues trusting others. As they stated:

**66** I've got two failed marriages. My first marriage I was married for 15 year. And [they] just, my [marriage partner] said to me, "I can't deal with this anymore." So, we separated ... the only person who's in my life is my cats...The trust issue will never go away. **99**<sup>82</sup>

The same person recounts that their twin brother was also profoundly impacted by their experience of being removed from their family and spending time at Kippen House. The victim states this contributed to mental health issues experienced by their twin, who ultimately died by suicide. As they stated:

**66** I had five phone calls over a period of a few years, from doctors, consultants, psychiatrists, saying that [redacted] had tried to commit suicide again. He tried five times. Cos he just, he said, "I can't cope wi what's happened to me, [redacted] **99**".<sup>83</sup>

Victims also spoke of family members being removed from families and sent abroad, stating:

**66** Some of my mum's family was took away. And took to Canada, abroad [...] my mum's second cousins, so they were took abroad. They were took away when they were children. **99**

The impact of these types of experience can be demonstrated in the intergenerational trauma experienced by victims, best summarised by one victim who stated:

**66** My mother had bad experience herself, of her dad being taken and put into care and fostered out [...] the fear of local authority in my mother was unbelievable. You could see the fear in her face as soon as they were mentioned or she saw them [...] If I see local authority, it freaks me out. It must be past experiences, cos even going into the council buildings, severe anxiety, severe. Because ye ken they've got all the power, and they can take things away fae ye. They can take you away fae your family, which was your biggest fear. And having had family who was taken away, that stress and anxiety and all these fears were in my mother, trickled doon intae us. **99**<sup>84</sup>

## Rights to health, education and employment

### Key finding

1. By failing to comply with Article 11 of ICESCR by forcing Scotland’s Gypsy Travellers to assimilate in substandard accommodation the State has put rights to health, education and employment of the victims of the Tinker Experiment at risk.

### Health

The right to health is protected by Article 12 ICESCR. The ICESCR Committee recognises that health is closely related to and dependent on the realisation of other human rights including, for example, the right to housing and non-discrimination.

The right to health is not a right to be healthy but rather to timely and appropriate healthcare, and to the ‘underlying determinants of health’ such as access to safe drinking water, adequate sanitation, and adequate housing. The State must ensure equal access to these conditions. It must also, at a minimum, ensure non-discrimination in accessing health facilities, goods, and services, especially for vulnerable and marginalised groups.

### Education

Article 2 of Protocol 1 to the ECHR protects the right to education and prevents discrimination within education provision, when taken with Article 14 of the ECHR. There is extensive caselaw on the segregation of Roma children and young people into separate schools, separate classrooms and being disproportionately sent to special schools due to systemic issues in testing approaches. The European Court of Human Rights has made clear that even if the aim of a discriminatory policy is benign, if the effect and outcomes of the policy are discriminatory, then it is not ECHR compatible.<sup>85</sup>

Various international treaties prohibit segregation and discrimination. In general terms, segregation, including in education, is forbidden by Article 3 of CERD. The CERD Committee requires States to remedy the legacy of segregationist policies and practices.<sup>86</sup>

### Employment

In relation to employment, the State has an obligation to ensure human rights are enjoyed on a non-discriminatory basis by all members of society. This is articulated across all human rights treaties as a core obligation and a specific component of certain rights.

CERD outlines several steps the State must take to eliminate racial discrimination in all spheres. In particular Article 2(1) of CERD includes a requirement to prohibit racial discrimination and Article 2(2) says States should use measures to ensure the adequate development and protection of certain racial groups.

In addition to prohibiting and eliminating discrimination in relation to several rights, Article 5 of CERD includes the rights to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, and just and favourable remuneration.

ICESCR protects the right to work and to just and favourable conditions of work. Where these are concerned, Article 2(2) ICESCR, requires States to ensure that laws and policies do not discriminate against particular groups. States must ensure that their practices do not result in discriminatory outcomes and must immediately take steps to eliminate conditions and attitudes that lead to discrimination. The ICESCR Committee emphasises that States must actively seek to eliminate systemic discrimination and segregation in practice using laws, policies and programmes, and temporary special measures.<sup>87</sup>

Article 4(2) of the FCNM also prohibits discrimination against national minorities and requires States to adopt measures to promote full and effective equality, including considering the specific conditions of National Minorities.

## **Evidence of risk to rights: Health, education and employment**

### **Health**

All victims who participated in the research described a range of adverse health impacts on both their physical and mental health. Although some of these impacts were immediate and experienced during their time in camps, huts, or other forced settlements, many have been ongoing and have followed the victims throughout their lives. For some, these are exacerbated by what they describe as ongoing experiences of substandard accommodation. One victim stated that:

66

It is true to say that virtually everyone whom I have known over the years who lived in this or other Experiment sites or directed camps have longstanding poor health outcomes with a list the length of a shopping list of autoimmune conditions, particularly and very poor respiratory health, whether a smoker or non-smoker 99<sup>88</sup>

Another victim recounted a serious health scare when they were a young child and living at Bobbin Mill during the late 1960s.

66

I nearly died in it with cold. I took a very bad turn [...] I was about eight. The doctor was phoned, called out, but he never came [...] I've never known a doctor to come to the Bobbin Mill, [...] so a nurse came, he must've called the nurse. I couldn't breathe at all. I could not breathe, and I was lying motionless 99<sup>89</sup>

Almost all the victims spoke of long-term and ongoing health issues, including asthma, arthritis, Myalgic encephalomyelitis (ME, or Chronic Fatigue Syndrome), thyroid problems, diabetes, lung issues, including Chronic Obstructive Pulmonary Disease (COPD), kidney problems and aspergillosis. Victims attribute many of these conditions to the substandard accommodation that they have lived in for most of their lives. Some victims attribute this to the use of asbestos wood at Bobbin Mill.

Similar concerns were also shared by a victim who lived at the Gothens Camp, who stated:

**66** But if I look back now, I'm wondering what it actually did to my family, because I became an alcoholic, there's no two questions about that, my brother [redacted] died when he was thirty [...] I don't think the Travelling people might have known about the serious diseases that these toilets may have caused, because the things that I've read up on, [some health conditions] can lie dormant in the human body [redacted]. Not a lot of people know that. So, I've often wondered how many people have died, and you can't ask medical terms of other cousins or uncles or aunts, but I've lost a tremendous amount of relatives the same age as me. You wonder what they died of heaven knows. But the type of lives they were horrible. I just remember being ill all the time. I mean I had lovely parents, but what could they do – nothing **99** <sup>90</sup>

More than one victim spoke of ongoing physical issues resulting from strains and injuries to their spine or old injuries resulting from physical labour associated with living in substandard conditions. These activities include heavy lifting related to handwashing bedding and clothing in an old tin bathtub due to not having electricity at the site, and the ongoing need to chop firewood for stoves in the current Bobbin Mill chalets.

Several of the victims also described their health conditions as having been exacerbated by discrimination experienced in accessing health services. Others expressed fears that they and their family members would be treated negatively if health professionals discovered their ethnic identity.

Every victim who participated in the research described their personal experiences of mental health problems, linking these issues to their exposure to the Tinker Experiment. Several victims listed family members and other community members who had died early (before reaching their sixties), as well as those who had attempted or who had died by suicide. One victim also summed up the impact they observed in those they grew up with in the experiments, stating the:

**66** ...lives of loved ones ruined by various dependencies such as smoking, drinking or eating poor diets to excess. **99** <sup>91</sup>

The victim believes there is a direct link between these dependencies and their experiences in the Tinker Experiment.

One victim described their own experience of alcoholism, stating,

BB

Over the years, I have fought to remain sober, mostly but not always succeeding. I now better understand the reasons for the low moods, low self-esteem, trying to live another culture but never escaping the prejudice [...] it brings back memories, and the sadness still sometimes drives me to take a drink. 99<sup>92</sup>

The same victim also spoke of a period of mental illness that they suffered in their mid-twenties. They speculate on the causes here:

BB

You don't know what triggers these things, but I mean getting moved from pillar to post, getting harassed and stressed, it sort of builds up on you. And there's an awful lot of people, no matter how bright and intelligent they might be, you can actually snap at some point. I think you lose control of it and, I can only speak for me, I think that's what happened to me. Due to all the stress when I was younger, because it was day-in-day-out, I mean you couldn't – I never asked to be a Traveller in the first place – it wasnae my fault. 99<sup>93</sup>

## Education and employment

The victims who participated in the research also expressed that being known to be from an experiment site was a significant factor in poor education and employment opportunities:

BB

Going to school to be bullied and traumatised culturally for life and despite that succeeding in gaining multiple academic and professional qualifications only to spend our whole lives in poverty. 99<sup>94</sup>

BB

I did various jobs, it was mostly agriculture – that was the only people that would employ you. Because nobody else, no things that you could give them, no credentials. 99<sup>95</sup>

BB

I wanted to get an apprenticeship. I was really keen on mechanical stuff and that. I wanted to try and get an apprentice in the garage. But as soon as [...] they asked me where I came from [...] that was it totally hit on the head [...] [All three local garages] totally blank refused [...] as soon as you mentioned Bobbin Mill. 99<sup>96</sup>

One victim spoke about how being known to be from a forced settlement camp impacted their education opportunities:

66

And then when we went to school, believe you me, the teacher wouldn't be good as well for some reason. And I think that was because she probably knew where we lived and knew the kind of state we were [...] I don't ever remember getting taught anything. They'd give us crayons and things to write, I doubt very much that they were interested. I don't think they saw any real future for us. So, therefore, they're not going to waste time teaching us. 99<sup>97</sup>

Victims also described how the lack of employment opportunities has affected them across their lifetime. For example, one victim describes a pattern that began while they lived at Bobbin Mill and has gone on to limit their economic, accommodation and employment opportunities across their lifetime:

66

I wanted to be a mechanic, quite keen on cars and that. Spoiled me, totally [...] And I'm very badly depressed because of [having limited or no employment opportunities], very, very, very badly depressed [...] [and that's been a pattern] all the way through [...] I could have had my own property. I could have had my own business. I could have had my own house, maybe. And maybe a wee garage or something. 99<sup>98</sup>

Other victims summarised the impact on their economic outcomes due to a lack of access to employment because of substandard accommodation:

66

As [substandard accommodation] affects health outcomes [...] so too it has affected all life chances and outcomes – the ability to earn and feel a sense of purpose in life; the opportunity to get on the property ladder, to save for a pension, to even go a holiday, to take out gym membership, join clubs or latterly as long-term [poverty] has bitten to be able to afford a night out to the cinema, for a meal or even to meet up for a coffee 99<sup>99</sup>

66

The lack of savings; the loss of career earnings over 28 years ...being unable to afford a holiday...the inability to travel as I would have hoped; the inability to earn, to attain an adequate standard of living, food, clothing, accommodation and the continuous improvement thereof; the inability to afford decent living quarters, or to get on the property ladder ... the refusal of sick lines by the local doctor; the lack of access to benefits – six months at a time without income whilst poorly with M.E; the lack of a pension or funeral plan; the ensuing Council Tax charges for a burnt caravan [...] the difficulty of having to try to paint in such impoverished and punitive conditions 99<sup>100</sup>

## Right to cultural life

### Key findings

1. By enacting legislation and policy which forced Scotland’s Gypsy Travellers to accept council housing provided by local authorities in areas where Gypsy Travellers faced hostility, the State has failed to comply with the right to cultural life protected by Article 15 of ICESCR and to provide culturally appropriate accommodation as protected by Article 11 of ICESCR.
2. By failing to address legal barriers to reinstate the use of stopping places, for example via the Land Reform (Scotland) Act in 2003 and again in 2016, the State has failed to meet its duty under ICESCR to progressively increase access to cultural practices.
3. The State has failed to protect and contributed to the active destruction of Scotland’s Gypsy Traveller culture.

### Rights protecting the cultural life Scotland’s Gypsy Travellers

The right to cultural life is protected by Article 15 of ICESCR. The Committee responsible for interpreting ICESCR has clearly stated that the right to culture encompasses various aspects, including ways of life, language, oral and written literature, music and song, shelter, the arts, and traditions that enable communities to express their humanity.<sup>101</sup> As ICESCR protects the right to culture, the State has a duty not only to refrain from interfering in culture, but also to promote and protect minority cultures, and foster their development over time.

Additionally, a core component of the right to adequate housing protected by Article 11 of ICESCR is cultural adequacy. It requires that housing construction enable the expression of cultural identity and diversity.<sup>102</sup> A succession of UN Treaty Bodies and Special Rapporteurs have highlighted the obligation to ensure adequate and culturally appropriate accommodation for Gypsy Travellers, including adequate stopping sites.<sup>103, 104</sup> Additionally, the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has highlighted that reluctantly having to accept housing in buildings due to a lack of alternatives is culturally inadequate, as is housing Gypsy Travellers in the most deprived estates where they are exposed to more direct and immediate hostility focused on their ethnicity or lifestyle.<sup>105</sup>

It should also be noted that the Committee on Economic, Social and Cultural Rights Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, urged the UK and along with Devolved Governments to “...ensure adequate, culturally appropriate accommodation and stopping sites for Gypsy, Roma and Traveller communities...”<sup>106</sup> The Government response to the concluding observation is outlined in **Annex B** of this report.

The Committee of Ministers at the Council of Europe have made clear that a range of housing options should be made available, which allow both settled and nomadic lifestyles. This includes options that enable Gypsy Travellers to “be able to acquire their own accommodation by different means, forms and methods of access to housing, such as social housing, cooperatives, do-it-yourself housing, public housing, caravans and other innovative forms of housing.”<sup>107</sup>

## Evidence of failure to comply with the right to cultural life

### Moving of Gypsy Travellers from tolerated camps to council housing

Ramsay and McPhee highlighted anecdotal evidence of Gypsy Travellers in Perth being transferred from a ‘tolerated camp’ in Almond Grove to council housing in Hunters Crescent.<sup>108</sup> A tolerated camp is a term used to refer to camps on land which were unauthorised but were tolerated in the absence of other appropriate provision for Gypsy Travellers.

One victim who participated in the research spoke about living at Almond Grove, stating:

66 It was a great big open green field. It was dozens o us. About a mile long. Travellers wi huts, ghellies, caravans, scattered everywhere, right doon to under the railway bridge, it wis massive. 99

While the researchers report the camp at Almond Grove was tolerated for a time, they highlight archival evidence that recounts unsanitary conditions at the Almond Water camps and a proposal made to build houses for Gypsy Travellers there, which did not occur. Although a local authority Travellers’ Site was eventually established close by at Double Dykes, this was not opened until December 1982.

In the meantime, victim testimony highlights that many of the residents at the Almond Water sites were moved into Hunter Crescent, a housing scheme in Perth.

One victim recounted that being moved into Hunters Crescent from Almond Grove led to them experiencing bullying and abuse:

66 My mother used to call it concrete jungle, she hated it ... livin in Hunters and the school, was horrendous. Cos ye were bullied every day, called names, called “Smelly”, hit, trying to take your play-piece off you. And then some of the teachers were terrible, were bad tae ye. Used to hit ye with rulers across the hands, and this was wooden rulers. Bang on the top of the heid. 99

When Gypsy Travellers were moved into Council Housing, they often faced significant hostility from community members. The researchers point to evidence of a Gypsy Traveller woman being given a council house in Wick in 1956 due to facing substandard accommodation conditions. Following this decision, the researchers state that it became increasingly clear this was not an appropriate solution for the woman, given that her arrival at the council house was met with a negative petition about her arrival signed by thirty residents.

Within two years of the woman’s time in Wick, the researchers found that the Public Health and Welfare Committee evicted the woman due to overcrowding. They noted that the overcrowding was likely due to substandard accommodation that the woman’s relatives were facing.

The traumatic impact of being forced to assimilate with settled communities in council housing estates, has resulted in cultural trauma, which has been defined by Alexander (2004) as an event that impacts collective group consciousness and changes identities in fundamental ways.<sup>109</sup> The victims discussed their experiences of cultural trauma stating:

**BB** They tried to get us to settle in houses, settle us in the sites and places like that. When they put us in the houses, they ruined a Travellers way of life forever, for some reason they actually integrated with the locals and a lot of young people they started drugs and so their life was ruined that way. **99**

**BB** What happened to us – forcing us to settle into council schemes and making us return from the camps to go to school, whenever we would go down there to feel free – set me and others up for a fail in life, We have been forced to live like non-Travellers in housing schemes and hide our identity and so when the stress of that gets too much, me personally (I can only talk for me) I leave the house and move on. I have been in four houses in the last 12 years or so, and not happy in any because I can't settle. That's what being forced to live a life that did not make me happy has done for me. **99**

Victims also expressed fear of hostility from members of the settled community leading them to take steps to hide their identity to protect themselves from harassment:

**BB** But (hiding your identity) it's like survival. Tryin to survive and it's only because you're a Traveller and hidin yer identity all the time. I think it affected my mental health. **99**

**BB** ...But ye had tae hid your identity when you mixed ootside and it was hard because all people can usually tell a Traveller by the way they speak. So, you're tryin to speak differently, trying, cos Travellers speak kinda fast, and they had to be watching the country ways and tried tae speak like them. Which took you out your comfort zone. **99**

The cultural trauma experienced as a result of being forced to move from chosen camps to council housing, in the absence of appropriate accommodation, was the direct result of laws and policies to relating to the accommodation of Scotland across 1900s, discussed below.

## Laws and policies impacting accommodation of Scotland's Gypsy Travellers (1900s)

YEAR	EVENT
<b>1960</b>	The Caravan Sites and Control of Development Act was enacted, requiring landowners to have a licence from the local authority to provide caravan sites, giving rural district councils the power to prohibit camping on commons and giving local councils the option to provide accommodation for Gypsy Travellers.
<b>1968</b>	In England and Wales, the Caravan Sites Act was enacted providing an obligation on local authorities to provide proper sites for Gypsy Travellers residing in their areas. This legal provision was not extended to Scotland.
<b>1969</b>	A study into 'The Nature and Problems of Scotland's Travelling People' was commissioned by the Scotland Office.
<b>1971</b>	The Advisory Committee on Scotland's Travelling People was established. The Committee's remit was to bridge the gap between Scotland's Gypsy Travellers and the settled community with a view to achieving greater tolerance and, to act as a focal point for the further consideration of the welfare of Scotland's Gypsy Travellers.
<b>1978</b>	The Refuse Disposal (Amenity) Act was enacted making it an offence in the UK to abandon a vehicle, including a trailer, on any land or any part of a road, including a verge.
<b>1980</b>	Two permanent local authority sites had been completed in Scotland.
<b>1994</b>	The Criminal Justice and Public Order Act was enacted giving police in Scotland further powers to attend an encampment to decide if an offence had been committed.
<b>1998</b>	Thirty local authority sites had been completed in Scotland.
<b>1999</b>	The Advisory Committee on Scotland's Travelling People publishes its final report.
<b>2022</b>	The Police, Crime, Sentencing and Courts Act is enacted amending key elements of the Criminal Justice and Public Order Act 1994 by creating a new criminal offence of residing on land in or with a vehicle without the consent of the occupier of the land and creating powers for the police to remove property from anyone suspected of having committed this offense.
<b>2024</b>	The High Court declared that the amendments to Criminal Justice and Public Order Act 1994 via The Police, Crime, Sentencing and Courts Act 2022 were incompatible ECHR as they amount to unjustified discrimination against Gypsy Travellers.

Note: This timeline does not seek to cover every event in relation to laws and policies impacting accommodation of Scotland's Gypsy Travellers but rather to provide a summary of relevant elements of Ramsay and McPhee's research in combination with events identified from SHRC's literature review, which have been considered as part of the SHRC's human rights framework analysis.

Access to camping grounds in Scotland in the 1900s was impacted significantly by the Caravan Sites and Control of Development Act 1960. The Act, with no legal duty compelling local authorities to provide alternative suitable provision, merely further restricted the availability of land.<sup>110</sup> Ultimately this reduced the availability of camping grounds open to Gypsy Travellers by closing commons and turning traditional stopping places into holiday or residential caravan sites, which Gypsy Travellers were not permitted to use.<sup>111, 112</sup> While provisions of the Act did not apply to tents, Gentleman and Swift in their 1971 report suggested that this Act, combined with the Trespass Act 1865, made it almost impossible to find legal camping sites in Scotland.<sup>113</sup>

Later, in England and Wales, the Caravan Sites Act 1968 placed an obligation on local authorities to provide proper sites for Gypsy Travellers residing in their areas. However, this legal provision was not extended to Scotland. Instead, the Scottish Office opted to engage with local authorities on a voluntary basis.<sup>114</sup>

In 1971, an Advisory Committee on Scotland's Travelling People was established to address challenges with Gypsy Traveller accommodation. In 1977, the committee adopted a two-tier approach involving recommending targets for local authority pitch provision while simultaneously operating a 'Toleration and Non-Harassment' policy. This policy permitted unauthorised encampments of less than 12 caravans in circumstances where a local authority had failed to meet its target pitch provision.<sup>115, 116</sup>

From an early stage, the committee was clear in its advocacy for the provision of Gypsy Traveller sites, due to the challenge of finding secure places to stop. The committee described this as a stepping stone for enabling equality with the settled population.<sup>117</sup> This change facilitated the establishment of local authority sites across Scotland.

During the Advisory Committee's operation, its original remit expanded as it assumed responsibility for advising Scottish Ministers on targets for the provision of pitches in local authority areas, and for the administration of a Development Department's Grant Scheme allowing local authorities to apply for grants for associated capital costs for building new sites.<sup>118/119</sup>

Despite these developments, by 1999 the Advisory Committee, in its final report, expressed ongoing frustrations about the inability to move site provision forward, noting delays and failed commitments.<sup>120</sup> Continual local opposition to site provision appears to have been a significant barrier. The Advisory Committee noted:

**66** It can require an act of political courage to decide on a location for a site, often in the face of vehement opposition from the settled community, but experience has shown that once a properly developed and managed site is established, most of this opposition evaporates. **99** <sup>121</sup>

Despite opposition from settled communities, between 1980 and 1998 when the Advisory Committee's work had wound down, local authority site provision had increased from two sites to thirty sites. However, at the end of the Committee's lifespan, it was acknowledged the assumptions on which sites' policies had been developed had been flawed. The Advisory Committee therefore

recommended that the needs of Scotland's Gypsy Travellers should be included in local community planning processes and reflected in relevant statutory plans.<sup>122</sup>

While the Advisory Committee was underway, the UK enacted laws which continued a long-established pattern of constricting nomadism among Gypsy Travellers including both the Refuse Disposal (Amenity) Act 1978 and the Criminal Justice and Public Order Act 1994.

While neither the Refuse Disposal (Amenity) Act 1978 nor the Criminal Justice and Public Order Act 1994 has been broadly applied in Scotland, their enactment is of relevance. Both pieces of legislation send a strong message to the Gypsy Travellers living in Scotland that nomadism is still not welcome and that their homes are viewed as places of criminality.

The amendments the Police, Crime, Sentencing and Courts Act 2022 made to the Criminal Justice and Public Order Act 1994 ultimately lead the High Court to declare the amendments incompatible with the ECHR as they amount to unjustified discrimination against Gypsy Travellers.<sup>123</sup>

## Laws and Policies Impacting the Accommodation of Scotland's Gypsy Travellers (2000s)

YEAR	EVENT
<b>2001</b>	The Scottish Parliament Equal Opportunities Committee undertake an inquiry into Gypsy Travellers and Public Sector Policies.
<b>2001</b>	The Housing (Scotland) Act was enacted, requiring local authorities to prepare a Local Housing Strategy which sets out their strategic vision for housing and related services, including Gypsy Traveller accommodation.
<b>2003</b>	The Land Reform (Scotland) Act was enacted.
<b>2004</b>	The Scottish Government published guidance on managing unauthorised camping by Gypsy Travellers living in Scotland. The guidance has been reviewed twice with the latest version being published in 2017.
<b>2005</b>	The Scottish Parliament Equal Opportunities Committee reviewed progress against the recommendations of the 2001 inquiry and concluded that there had been a failure to improve the general situation for Gypsy Travellers living in Scotland.
<b>2013</b>	The Scottish Parliament Equal Opportunities Committee conducted an inquiry into the quality and quantity of culturally appropriate accommodation for Scotland's Gypsy Travellers.
<b>2015</b>	The Scottish Government published, 'Improving Gypsy/Traveller sites: guidance on minimum sites standards and site tenants' core rights and responsibilities'.
<b>2019</b>	The Planning (Scotland) Act was enacted which created a duty to engage with Gypsy Travellers living in Scotland in local planning processes.
<b>2019</b>	Scottish Government and COSLA published the Improving Lives of Gypsy / Travellers Action plan for 2019 to 2021.



YEAR	EVENT
2019	Three local authorities in Scotland undertook a negotiated stopping pilot. This pilot ran between 2019 and 2022.
2021	Scottish Government commitment to make up to 20 million pounds available over five years for more and better Gypsy Traveller accommodation as part of the Housing 2040 strategy.
2023	Scottish Government published 'National Planning Framework 4' which including a positive policy framework for Councils Local Development plans to provide for the accommodation for Gypsy Travellers where need is identified.
2024	Scottish Government and COSLA publish the second action plan on improving the lives of Scottish Gypsy / Travellers running between 2024 and 2026.

Note: This timeline does not seek to cover every event in relation to laws and policies impacting accommodation of Scotland's Gypsy Travellers but rather to provide a summary of relevant elements of Ramsay and McPhee's research in combination with events identified from SHRC's literature review, which have been considered as part of the SHRC's human rights framework analysis.

Legislative and policy developments across the early 2000s regarding the accommodation of Scotland's Gypsy Travellers were informed by three inquiries undertaken by the Scottish Parliament Equal Opportunities Committee in relation to public policies (2001), care (2012) and accommodation (2013).<sup>124</sup>

During the 2001 inquiry, members of the Scottish Parliament Equal Opportunities Committee heard evidence from Scotland's Gypsy Travellers and representative organisations about the blocking off of traditional stopping places, the lack of short-term or transit sites to use when travelling, a lack of consistency in enforcement by local authorities and the police as well as hostile and threatening evictions from land. In response, the committee recommended a range of actions including:

- Site improvement programmes delivered in consultation with Gypsy Travellers living in Scotland.
- Gypsy Traveller site provision being included in Local Area Community Planning Frameworks.
- Development of national good practice guidance focused on management of unauthorised camping.

However, no recommendations were made during this Inquiry about widespread reintroduction of stopping places. Therefore, instead of seeking to reestablish the cultural traditions of Scotland's Gypsy Travellers, the 2001 inquiry instead focused its recommendations on the management of unauthorised camping sites by local authorities and Police Scotland, which continue to be updated.<sup>125, 126</sup>

Three years later, in 2003, the Land Reform (Scotland) Act was enacted. This legislation was a further failed opportunity to address the issue regarding stopping places identified by Scotland’s Gypsy Travellers in the 2001 Inquiry. While this legislation made provision for some forms of wild camping for leisure purposes, it also imposed limitations on the duration of campsites, the number of people permitted and the use of motorised vehicles. This legislation therefore created an inequality whereby members of the settled community camp with limited restrictions, while not extending the same freedom to the culture and traditions of Scotland’s Gypsy Travellers.<sup>127</sup>

In 2005, when the Equal Opportunities Committee reviewed progress against the recommendations of the 2001 Inquiry, it concluded that there had been a failure to improve the general situation for Gypsy Travellers living in Scotland. This conclusion was followed by the Scottish Executive announcing a £3 million site development grant scheme running for three years.<sup>128</sup>

In 2013, the Equal Opportunities Committee conducted a further Inquiry into the quality and quantity of culturally appropriate accommodation for Scotland’s Gypsy Travellers.<sup>129</sup> Again, it was found that minimal progress was made to deliver against recommendations. The Equal Opportunities Committee stated that this was the result of a failure in leadership at the local, community, and national levels.

In 2019, Scottish Government and COSLA published their first joint action plan focusing on improving the lives of Scotland’s Gypsy Travellers. This plan was extended to 2023 and during this time the Scottish Government and COSLA reported on the following key activities being undertaken in relation to accommodation:

- Establishing of the Gypsy Traveller Accommodation Fund for 2021-26, which is reported to have provided up to 15 million pounds for demonstration projects in six local authority areas.
- Publishing of the interim Gypsy Traveller site design guide in 2021.
- Publishing the National Planning Framework 4 in 2023 including a positive policy framework for Councils Local Development plans to provide for the accommodation for Gypsy Travellers where need is identified.
- Enacting the Planning (Scotland) 2019 Act which requires planning authorities to engage with Scotland’s Gypsy Travellers as they prepare their Local development plans.
- Publishing the Local Development Plan Guidance in 2023 advising planning authorities regarding engagement with Gypsy Travellers living in Scotland.
- Piloting the delivery of a Negotiated Stopping Approach and evaluating this approach in July 2024.<sup>130</sup>

Despite these initiatives, progress in upgrading and improving sites has been painfully slow. Clark highlighted that as of March 2022, approved applications for site improvements had been for ‘demonstration’ projects only and that none of the allocated funds had been spent. Clark states this was due to COVID-19 and the ongoing impacts of Brexit, including impacts on the construction industry such as: access to affordable experts, building materials, specialist labour and supplies.<sup>131</sup>

The lack of progress in updating and improving demonstration sites, is clearly evidenced in the case of Tarvit Mill.<sup>132</sup> As stated, in 2025 the Scottish Housing Regulator found that Fife Council had failed to meet its obligations under outcomes in the Scottish Social Housing Charter and Scottish Government’s minimum standards for Gypsy Travellers sites.

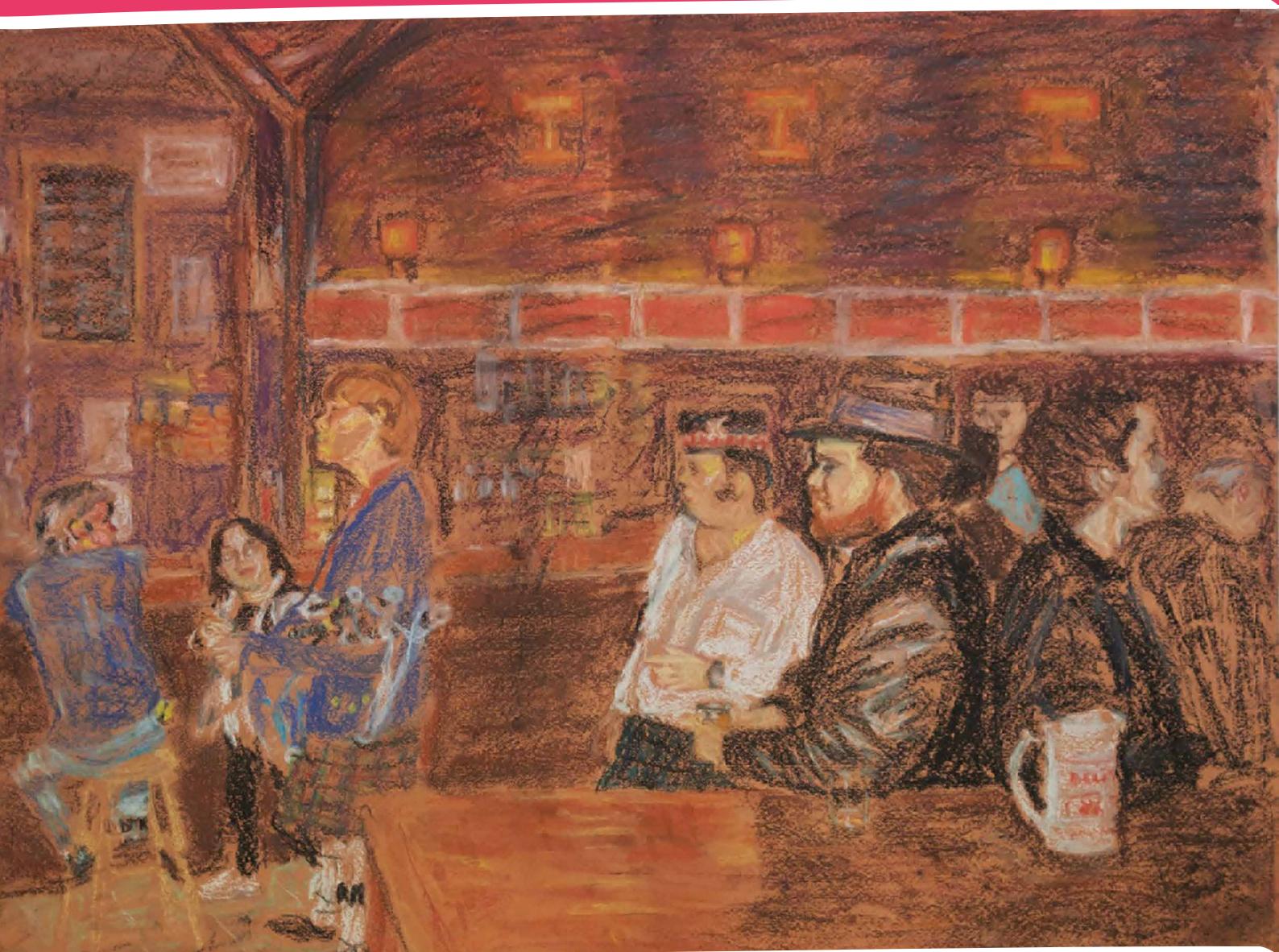
As for the use of stopping places, instead of exploring the possibility to legislate to protect the use of stopping places via the Land Reform Act 2003, a Negotiated Stopping Pilot ran in Scotland between 2019 and 2022. This focused on Gypsy Travellers negotiating with local authorities to stay at a stopping place for an agreed and limited period of time. However, when the pilot was evaluated, Gypsy Travellers living in Scotland reported finding it harder to live in a way that reflected their traditions and cultural identities due to a lack of safe and suitable land and range of barriers that prevent them from easily accessing various facilities and amenities.

Issues regarding ensuring culturally appropriate accommodation continue, despite Scottish Government and COSLA publishing the second action plan on 'Improving the lives of Scottish Gypsy/Travellers' in 2024. The second action plan committed to continuation of funding of demonstration sites and regulation of accommodation standards. This is alongside other key actions including: exploring follow up accommodation funding post 2026, development of Accommodation Needs Toolkit, acting on findings from the Negotiated Stopping Pilot and local planning guidance.



Three Sheets at the Peeve-Kain: Shamus McPhee

# Chapter five



When he Toochies hae been Weel Tokelt: Shamus McPhee

# Redress and reparations for victims of the Tinker Experiment

## Key findings

1. Victims of the Tinker Experiment want to see redress including apologies, and reparations including compensation, cultural investment and improvements in accommodation.
2. The Scottish Government apology in June 2025 does not meet human rights standards adopted by the UN General Assembly in relation to remedy and reparation for victims of human rights violations.
3. Evidence suggests significant differences in duty bearers’ approach to providing redress in the form of apologies, to different groups of victims of rights abuses in Scotland.
4. A transformative reparations approach, which demonstrates alignment with international human rights standards, can be used to address the harms of the Tinker Experiment.

## Victims’ views on redress: Apology

A key component of redress is about setting right a wrong and rectifying the harm caused. This can include apologies from the State. The researchers asked the victims what they would like redress to look like. Victims have been clear that for them, an apology was critical, stating:

**66** The apology would be really important...people must know that these things actually happened [...] it wasn’t us that destroyed our lives, it was other humans. **99**<sup>133</sup>

**66** ...At the end of the day, I think they need to apologise, I think they need to make sure that this never happens to anybody ever again. **99**

**66** An apology would be good. I think an apology is needed. Because there was no need for the way that they treated us, grated Travellers, trying tae destroy the Travellers. Ken, take away their culture, take away all they know... **99**

Victims stated they would welcome an apology; however, they noted that this must demonstrate an understanding of the destruction of lives and acknowledge the treatment they experienced.

## Scottish Government apology to victims of the Tinker Experiment: A human rights assessment

When the First Minister delivered the apology in June 2025, he accepted that the harms caused by the Tinker Experiment continue to be felt today. However, the First Minister also repeatedly referred to ‘historical policies’ which are part of Scotland’s ‘past’.<sup>134</sup> This is a failure to acknowledge where the government of today and other duty bearers have continued to reinforce assimilationist policies.

Following the apology, the Scottish Government published a response to the findings of the Third Generation Project Report. The response lists a range of policy developments, many of which were underway before the publication of both the Third Generation Project Report and this report. These included: the continuance of the Gypsy Traveller Accommodation Fund, engagement with Scotland’s Gypsy Travellers on the second National Joint Action Plan as well as investment in a Community Health Worker Programme and mental health and well-being programmes for Gypsy Traveller children and young people living in Scotland.<sup>135</sup>

Work undertaken in the ‘Anti Racism in Education’ programme and work done to apologise for the historical abuse of children in care and the redress system for survivors of abuse in care were also referenced.

From the SHRC’s assessment at the time of publication, only one new commitment was outlined in the government’s response, which focused on engaging with communities to explore ways to use culture and the arts as tools for education. In December 2025, the Scottish Government made an additional short-term commitment involving the allocation of £10,000 to support cultural initiatives related to the Tinker Experiments.<sup>136</sup> The funding is intended to address urgent needs of those impacted, and to fund projects that promote community cohesion.

In 2005, the UN General Assembly adopted a resolution on Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.<sup>137</sup> In 2019, a further report on the ‘Promotion of truth, justice, reparation and guarantees of non-recurrence’<sup>138</sup> was submitted by the then Special Rapporteur Fabián Salvioli, to the UN General Assembly, for consideration. This report, among others, contributed to a later Human Rights Council Resolution in the same year, on human rights and transitional justice.<sup>139</sup> While the 2005 Principles and Guidelines and the 2019 Special Rapporteur report are themselves non-binding, both documents outline recommendations for the effective design and implementation of redress and reparations programmes.

The UN General Assembly 2005 Guidelines are clear that when offering an apology, States should include a commitment to ensure that past human rights violations are remedied and not repeated. However, the Scottish Government in their apology failed to recognise the harms of the Tinker Experiment as a human rights issue and made no commitments to reparations or action outside of existing policy commitments.

The 2005 Principles and Guidelines also highlight that States should ensure an official declaration

or a judicial decision that restores the dignity, reputation, and rights of a victim and people closely connected to them. However, in this case, while the First Minister acknowledged that children had been removed from their families, he failed to recognise that evidence demonstrated that in at least one case, two children were removed from their family because of state-approved substandard accommodation.

The 2019 Special Rapporteur report states that consultation with those to whom the apology is addressed and the apologising constituency is critical in delivering effective reparations. However, victims stated that their attempts to meet with senior government officials prior to the First Minister's apology were refused on the basis that it would jeopardise the independence of ongoing research.<sup>140</sup> Late in the process, in April 2025, the government sought to address this concern with three engagement exercises, one of which was attended by the Minister for Equalities.

In the apology, the First Minister recognised the consultation process had been 'limited and brief' and intended it as 'the beginning of a conversation.'<sup>141</sup> The 'limited and brief' nature of the consultation is evident in the published report on victims' testimony which only briefly explores what an apology should include from the victims perspective.<sup>142</sup> Where the consultation document does raise detailed requests regarding the apology's content, it is for topics including, but not limited to: the forced migration of children and recognition and the long-term social and economic impacts on the lives of victims, neither of which were not fully addressed by the apology.

Finally, it should be noted that there are apparent disparities in the Scottish Government's apology approach to Scotland's Gypsy Travellers when compared with how apologies to other groups in Scotland have been handled. For example, a group of forced adoption victims, when asking for an apology in 2021, received an apology by 2023.<sup>143</sup> While neither group has yet received reparations, this highlights a lack of consistency in the approach to delivering apologies in Scotland.



## Victims' views on reparations: Compensation, cultural investment and improvements in accommodation

In international human rights law, reparations describe the State's dual responsibility to victims of human rights abuses to provide access to justice and deliver substantive relief.<sup>144</sup>

Victims have been clear that an apology needs to be followed by reparations. For victims, reparations should include but not be limited to financial compensation, investment in cultural programmes, and improvements in current accommodation. Some examples of what the victims said about what reparations they would like to see are outlined below:

**BB** I would just like to be able to go somewhere on a wee holiday where it's warm because that would help my joints. I've got rheumatoid as well. And [financial compensation] would make the rest of my living time a wee bit comfortable, instead of having to penny pinch on benefits. **99**<sup>145</sup>

**BB** I'd like to see a bit of compensation, maybe buy a house or something, because I've got two daughters, I'd like to leave them something. That's about it, really. I'd like to buy a house and that and get out of where I am at the moment as well. **99**<sup>146</sup>

**BB** I would like to be able to have my own home somewhere; feel like I belong somewhere. Also, I've got health issues that I need to be able to treat – just be able to afford to go to the Physio or go to a Counsellor [...] I'd love to go away to a yoga retreat that deals with ME or something. I'd just stay there for a bit and get a calm holiday [...] So, yes, I would want compensation. I think I would deserve it after all the years of horrific treatment and the living conditions which I endured. **99**<sup>147</sup>

**BB** I think that you have to look at it in terms of funding possibilities and what is there for Gypsy Travellers to utilise and make use of. Now, in Scotland, for instance, there are no funds for community development, there are no support groups, there are no cultural drop-in centres, there are no legal-aid networks or assistance in that respect... **99**<sup>148</sup>

**BB** ... I think that they need to press the case for legal reforms through litigation; that there must be more representation at a political level because Gypsy Travellers are not appointed as MPs, MSPs, you never see them in any bodies. **99**<sup>149</sup>

66 So we did need basic amenities like electricity, hot water, and toilets. But I’d have rather had those in a Jack Cabin or Portacabin, which could be communally accessed and have retained our caravan. So, that would have been my ideal Bobbin Mill, but other people, it was really down to the individual... 99<sup>150</sup>

66 I’d see a caravan as a cultural identifier and so I prefer to live in a caravan. I actually asked for an upgrade, which would have seen a much-improved caravan being bought in by the Council, but they refused to do so. 99<sup>151</sup>

## Transformative reparations

We are clear that an approach to reparations which demonstrates alignment with international standards is key to addressing the harms of the Tinker Experiment. We consider that a ‘transformative reparations’ approach can achieve this. Transformative reparations comprise four key elements:

### Participation and leadership

Core to transformative reparations is the participation of victims in the design and development of reparations. Legally binding human rights treaties protect the right to participation in public affairs of all people, such as Article 25 of the ICCPR. Additionally, Article 27 ICCPR protects the right of all people to participate in decisions affecting their culture.

The FCNM provides a focus on National Minorities for member states of the Council of Europe. Article 15 of FCNM commits the UK (including the Scottish Government) to ensuring the participation of persons belonging to national minorities in a range of economic, social, and cultural issues, particularly issues affecting them.

In meeting these obligations, it will be critical for the Scottish Government to establish a participation process that allows victims of the experiment to be meaningfully involved in the design and implementation of their own reparations scheme.

This view is shared by the ICESCR Committee, which, when assessing the UK’s compliance with its obligations under ICESCR, concluded that those impacted must be able to participate in all relevant initiatives designed to respond to the Tinker Experiment.<sup>152</sup> For that participation to be meaningful, it must:

- Ensure involvement from a representative and diverse section of affected people
- Include consideration for gendered experiences and prioritise women’s effective participation
- Include measures taken to build capacity within affected communities, to ensure equitable participation.

There are a range of models that the Scottish Government could learn from to ensure meaningful participation for victims of the Tinker Experiment, including:

- Ireland’s Special Advocate for Survivors: This model ensures that the views of survivors and affected people are central to the delivery of the State’s response to the legacy of institutional trauma and forced family separation.<sup>153</sup> The Special Advocate is also informed by an advisory board.
- Australia’s Stolen Generations Reparations Steering Committee: This model recommended that an advisory board, whose membership would be selected by the Stolen Generations community, be established to provide advice on the implementation and operation of a reparations programme.<sup>154</sup> The Australian Government accepted this model.<sup>155</sup>
- New Zealand’s Royal Commission of Inquiry into Abuse in Care: This model recommended a transformative approach to holistic redress for survivors of abuse, which centred Māori values, disabled people’s values and human rights.<sup>156</sup> In response, the government established a survivor-led redress design group, which made recommendations to the government.<sup>157</sup>

## Critique and review legal standards of the past

A transformative approach to reparations is incompatible with the idea that discriminatory legal standards of the past can be used to explain injustice or evade access to justice in the present. Instead, for a transformational reparations process to occur, it will first be necessary for duty bearers, including the Scottish Government, to recognise their role in the harms to date, and to critique and review legislation which continues to perpetuate that harm.

## Recognition of the cultural harms and losses

A transformative reparations scheme must recognise the cultural context and consequences of forced assimilation involved in the Tinker Experiment. Victims have told the SHRC that these consequences include cultural losses, the breaking of community ties, the loss of nomadic routes and stopping places, the destruction of sites of importance, as well as economic losses.

In practice, this recognition should result in:

- Reparations for the long-term economic, social, and cultural consequences of confinement to segregated, substandard accommodation
- Reparations for the impacts of both threatened and actual forced child removal
- Measures to re-establish the right to adequate, culturally appropriate housing for victims of the experiment and their descendants who are currently living in inadequate housing
- Reparations for the forced displacement of victims.

## Rejection of State-centric and assimilationist approaches in the delivery of reparations

It is critical to ensure that reparations do not inflict further harm and trauma on affected people by reinforcing assimilationist norms or focusing on the needs of the State. This can be achieved primarily through a reparations scheme that is both independently operated and monitored by an independent oversight mechanism.

The reparations scheme, in its day-to-day operations, should:

- Avoid undue delay or bureaucracy
- Provide appropriate resources, information, and assistance to victims
- Account for individual differences within the group of beneficiaries
- Avoid distinguishing between beneficiaries based on adherence to externally imposed notions of ‘authentic’ Gypsy Traveller identity.

Scotland’s Gypsy Travellers should have opportunities to accept roles leading, administering, and implementing the reparations programme for the Tinker Experiment, where they choose to. There is a precedent for this approach established by Australia’s Independent Assessment Panel, whose members include Aboriginal and/or Torres Strait Island persons.<sup>158</sup>

## Transformative reparations in practice

In adopting a transformative reparations process, the following four key elements of reparations should be available to victims.

### Satisfaction

Satisfaction can be achieved through apology, memorialisation and truth recovery. To date the Scottish Government apology offered to the victims of the experiment has fallen short of meeting standards and expectations laid out in international human rights guidance.

Therefore, a truly human rights based approach to reparations would require additional State apologies, in addition to memorialisation and truth recovery. In this case, as a public apology has been issued, consideration should be given to providing personal apologies to individuals could go some way to addressing the gaps in the public apology.

Apologies to individuals have formed part of a process of redress via the Windrush Compensation Scheme the Scottish Redress Scheme addressing child abuse in the care system and the Australian redress schemes.<sup>159, 160, 161, 162, 163</sup> Individual apologies from government should also be supplemented by collective apologies from non-state agents such as charities and religious organisations involved in the experiment. In this case, the Church of Scotland issued an apology on the 25th of June 2025.<sup>164</sup>

In terms of memorialisation, a range of permanent symbolic reparations should be funded by the Scottish Government and designed in partnership with those impacted. This includes public commemorations and memorialisation of the Tinker Experiment and its victims, including those affected by forced child migration.<sup>165, 166</sup> This is in addition to developing policies, processes, and practices of record management to ensure documentation of past harms is preserved in appropriate archives and made accessible to those affected.<sup>167, 168</sup>

Professor Enright’s analysis takes the view that a public inquiry into a dimension of the Tinker Experiment is required due to the ‘severe, widespread and systemic breaches of human rights’ and the State’s involvement in this.<sup>169</sup> However, the opinion also makes clear that the reports from The Third Generation Project (2025), Fell (2025), and Ramsay and McPhee (2025), together contain sufficient evidence of a range of human rights issues to justify the immediate establishment of a reparations programme. Therefore, a public inquiry should not come at the cost of delay in financial compensation for victims.

The SHRC recognises the potential value of a public inquiry in establishing victim satisfaction and in particular the need for further investigation on the role of child welfare charities: RSPCC, the Aberlour Trust, Barnardo’s and Quarriers in the Tinker Experiment and the forced migration of Gypsy Travellers as identified by the Third Generation Project’s research.

However, the SHRC also acknowledges that previous inquiries in Scotland on the accommodation of Gypsy Travellers have been used to facilitate assimilationist practices.<sup>170</sup> In recognising this, the State must consult with the victims of the experiment to establish if a public inquiry into any element of the experiment is welcome at this time. If the decision is taken to move forward with a public inquiry, a human rights based approach to a public inquiry should be applied.<sup>171</sup>

## Compensation

A transformative reparations approach will entitle victims of the Tinker Experiment to material reparations, in the form of compensation. During interviews with the researchers, victims were clear that financial payments would make the most significant difference to their lives. The expert legal analysis expresses strong support for this:

66

...If properly designed and administered, financial redress schemes can contribute to restoring the dignity of those directly affected by mass human rights abuses. In the short term, they can also help to put affected people in a better position to benefit from other aspects of reparation; for instance, by addressing some of the consequences of protracted ill-health or poverty. 99<sup>172</sup>

Best practice in the delivery of individual payments should include some or all the following:

- Accounting for both past loss and its long-term impact and to be paid in proportion to the severity of the violations and the harm suffered<sup>173</sup>
- Offering a lump sum payment or instalments<sup>174</sup>

- Providing dedicated provision for individuals who experienced severe human rights abuses and prioritise applicants who are terminally ill or living in financial need<sup>175</sup>
- Exempt tax and ensure no impact on means-tested social security payments<sup>176</sup>
- Recognising loss which may not be directly related to money, including moral loss.<sup>177</sup>

## Rehabilitation

In the case of the Tinker Experiment, long-term investment is needed to undo the consequences of decades of exclusion, therefore making both individual compensation payments and collective payments focused on rehabilitation appropriate. Collective rehabilitative payments could focus spend on developing shared social services, infrastructure, or cultural projects.

It is of critical importance that collective payments can supplement but should never substitute individual compensation payments.

## Guarantees of non-repetition

A focus should also be placed on guarantees of non-repetition or non-recurrence to prevent past violations from happening again.<sup>178, 179</sup> Critical to this will be wide-scale legislative reform in Scotland, which seeks to reinstate nomadic practices and protect Scotland's Gypsy Travellers and their culture. To achieve this the expert legal analysis suggests:

66

The state should work in consultation with Gypsies/Travellers in Scotland and their representatives to revisit laws which have enabled the human rights abuses associated with 'the Tinker Experiments,' particularly in the areas of trespass and private property, housing, planning, and child law. Laws criminalising nomadic practices should be repealed. Government should also review existing anti-discrimination and minority rights legislation to ensure that rights enjoyed by Gypsies/Travellers in Scotland under international standards are adequately recognised in domestic law. 99

Additionally, the Scottish Government should undertake a range of measures, including:<sup>180</sup>

- Reviewing relevant statutory guidance to ensure that laws affecting Gypsy Travellers living in Scotland are interpreted in accordance with international human rights standards
- Funding the development of specialist legal advice services for Gypsy Travellers living in Scotland
- Creating conditions for the effective participation in all aspects of life in the state of Gypsy Travellers living in Scotland. This could include participation and representation in public institutions and bodies, particularly those with a regulatory or law-making function where the decisions taken will directly impact their communities.
- Addressing the wider socio-economic vulnerability of Gypsy Travellers living in Scotland. This could include measures to encourage and support recruitment of Gypsy Travellers in Scotland across all sectors and ensuring that all state-regulated education is genuinely accessible to Gypsy Travellers in Scotland.

- Funding educational programmes designed to address long-standing discriminatory attitudes across wider society, this could include funding and programmes to train, recruit and support Gypsy Traveller education professionals, and to design and deliver these programmes
- Improving the collection of data on reporting, investigation, and prosecution of crimes against Gypsy Travellers.

## International reparation schemes

Internationally, there is a growing global recognition of the need to make reparations for injustice against nomadic and indigenous people. International examples include:

### Australia

In 2025, following an inquiry process which centred on indigenous peoples and their cultural values, Victoria’s Yoorook Justice Commission published 100 recommendations for reparations to indigenous peoples affected by rights violations, including child removal and cultural dispossession.<sup>181</sup> Australian states are implementing reparations programmes for ‘the Stolen Generations’, indigenous people affected by forced child removal and associated cultural loss. Separately, the state of Victoria has established a reparations programme for women who were forced to surrender their children for adoption.<sup>182</sup>

### Canada

Canada has established multiple reparations programmes, including settlement agreements with indigenous survivors of abuse in residential and day schools, and Inuit communities affected by historical forced displacement.<sup>183</sup> It has also established cultural programmes for indigenous women, girls and 2SLGBTQI+ people.<sup>184</sup> These programmes focus on the harms associated with child removal and cultural loss.

### Denmark

In 2022, Denmark agreed to pay compensation to surviving Inuit adults who had been sent from Greenland to Denmark as children, as part of a forced assimilation experiment.<sup>185</sup> Denmark committed to establishing an investigation, exploring other aspects of historical forced assimilation.<sup>186</sup> The investigation is in its early stages with a research project beginning in late 2025.<sup>187</sup>

The three examples above are particularly relevant due to their focus on financial compensation for victims of assimilative practices.

## Reparations in Scotland

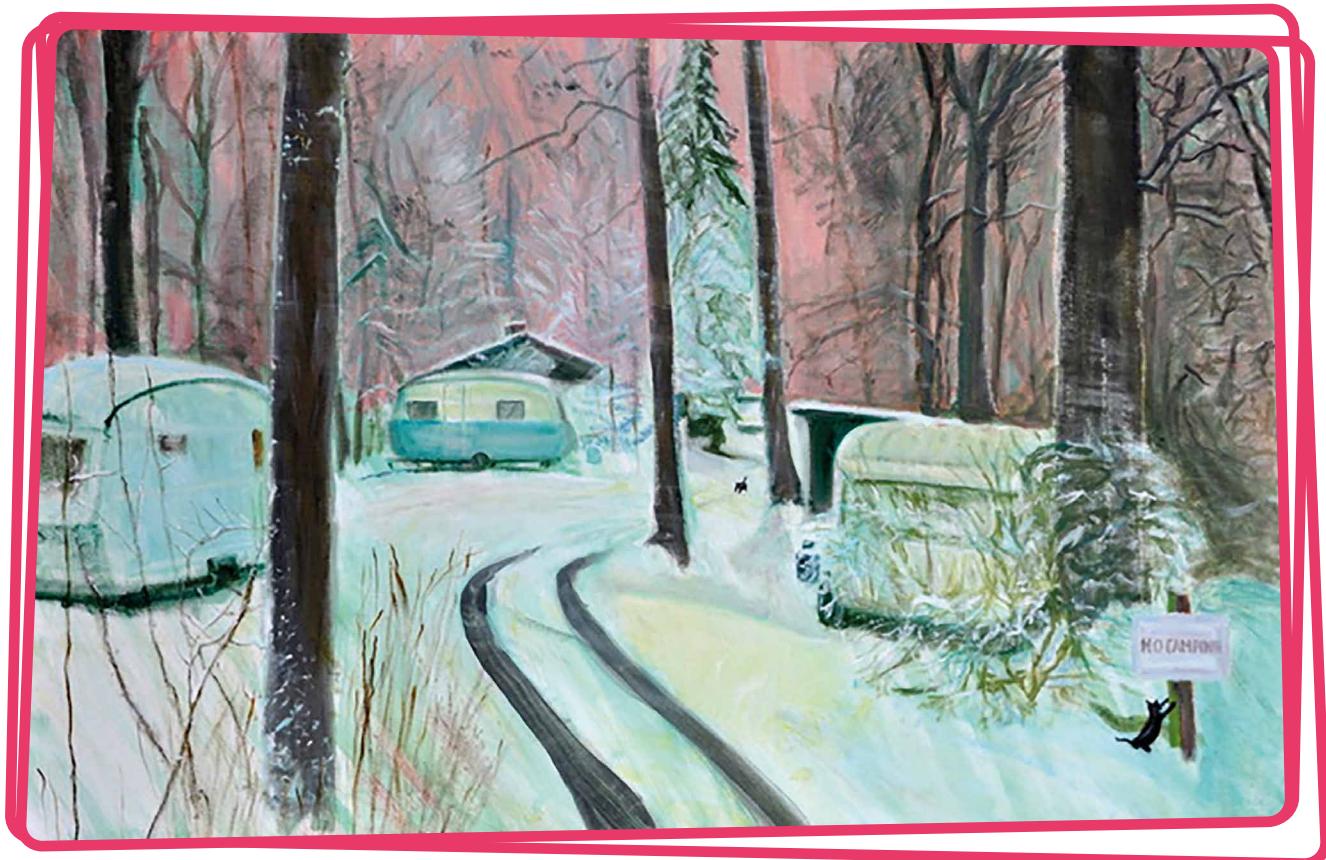
In Scotland, there is one redress scheme currently in operation, established by the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act in 2021.<sup>188</sup> The Act created Redress Scotland which is an independent body in Scotland established to handle applications and make decisions about financial and non-financial redress for survivors of historical child abuse in care.<sup>189</sup>

To date, the application of redress provided by Redress Scotland has been critiqued.<sup>190</sup> For example, a range of concerns have been expressed by victim/survivors, including regarding application backlogs, a low rate of payments and a lack of contributors paying into the scheme.<sup>191</sup> Critically, victim/survivors who received compensation were first required to sign a legal waiver stating they would not take a scheme contributor to court in the future.

Professor Enright's analysis is clear that a human rights based approach to reparations cannot require victims of the experiment to sign waivers forgoing future legal action, stating:

66

The government should not require beneficiaries to trade away other rights as a condition of participation in any reparations measure. The government should not require applicants to any redress scheme to sign waivers as a condition of participating in any redress scheme or as a condition of receiving a payment. The government should also revise limitations periods for appropriate categories of legal disputes and should ensure that affected people can access legal aid where necessary. 99<sup>192</sup>



Big Chill at Bobbin Mill: Shamus McPhee

# Conclusion

Scotland’s Gypsy Travellers have experienced and continue to experience forced assimilation. It is now well-documented that the State, local authorities, and other key actors, including the Church of Scotland and charities, played a significant role in this assimilation. This report demonstrates that forced assimilation continues to be perpetuated in Scotland by both existing legislation and failure to meet site requirements and improve standards, leading to a continuing human rights issue.

This report has made clear that the nature of the Tinker Experiment is not solely ‘historical,’ and that a comprehensive approach to redress and reparations for the victims is required now to address and end ongoing harms. This comprehensive approach must go beyond the Scottish Government apology offered in June 2025, which can be considered at best to be acknowledgement of failures and not an admission of responsibility or commitment to address ongoing harms.

Reparations should seek to compensate victims not only for the harms caused by the experiment but also for the suffering they endured during the last 15 years while advocating for an apology. This is best summarised by one victim who told the researchers about the negative impact seeking an apology has had on them stating:

66

The years of alienation and mental, emotional and physical torture; the emotional plague of having been the victim of savage gaslighting and defamation, linked to seeking an apology, that continues to haunt my mind. 99<sup>193</sup>

The following recommendations provide the State and duty bearers with a clear framework for action to begin addressing the continuing human rights impacts of the Tinker Experiment. To ensure a transformative reparations process, the State and duty bearers must ensure the meaningful participation of Scotland’s Gypsy Travellers – particularly the experiment’s victims – in the design, delivery and implementation of each of these recommendations going forward.

# Recommendations

## Overarching recommendation: State adoption of a transformative reparations approach

The Scottish Human Rights Commission recommends the adoption of a transformative reparations approach by duty bearers in response to the Tinker Experiment. This includes:



### Compensation

- Financial compensation to victims and families.



### Rehabilitation

- Culturally appropriate review of, and steps to ensure adequacy of, accommodation provision including Gypsy Traveller sites
- Investment in community empowerment, self-advocacy and cultural development.



### Satisfaction

- Further Scottish Government apologies
- Truth recovery on harms to children.



### Guarantees of non-repetition.

- A review of current legislation and policy
- Ensuring equality in access to remedy.

## Detailed recommendations



### Compensation

SHRC recommends that the Scottish Government establish a reparations scheme. This reparations scheme should include contributions from all parties, including charitable organisations, found to have contributed to the Tinker Experiment in Scotland in the Third Generation Project research. This scheme should make compensation payments to victims of the Tinker Experiment and Scotland’s Gypsy Travellers impacted by forced assimilation.

Before the parliamentary election, a clear timeline for the establishment of this programme and a deadline for first payments should be published.

The reparations scheme should follow best practice, as determined by international human rights standards and guidance. Guidance states that individual compensation should be delivered, there should be a dedicated provision for individuals who experienced severe harms, and that applicants who are terminally ill or living in financial need should be prioritised.

It is also recommended that where individuals who have experienced harms have passed away, reparations should be directed towards immediate family in recognition of the generational and whole-community nature of the impacts of these harms.

Access to financial compensation should not be contingent upon victims signing waivers that trade away other legal rights in exchange for a payment.



### Rehabilitation

SHRC recommends that local authorities make urgent upgrades to existing sites where Scotland’s Housing Regulator has found failures to comply with existing site standards, for example, Bobbin Mill, Tarvit Mill and Double Dykes.

Concurrently, the SHRC recommend that the Scottish Government review the cultural appropriateness of existing demonstration sites developed as part of the Gypsy Traveller Accommodation Fund. This review should engage and consult with those living on existing pilot sites. Based on the review, a new plan should be developed to improve accommodation and ensure cultural appropriateness. This plan should be created in partnership with those living on existing sites.

The development of the new plan and its implementation must be overseen and monitored independently. There must be scrutiny of local authority use of funds, pace of project development and levels of engagement and responsiveness to the needs of Scotland’s Gypsy Travellers.

The Scottish Government should adequately invest in Community Empowerment, Self Advocacy and Cultural Development projects for victims of the experiment and Scotland’s Gypsy Travellers. This should include projects which help protect and promote the cultural heritage of Scottish Gypsy Travellers, and which work to ensure that abuses such as the Tinker Experiment can never happen again. This could be delivered as part of a collective compensation claim under the reparations scheme. Collective applications made under this scheme should not replace individual compensation.



## Satisfaction

SHRC recommends that the Scottish Government undertake two actions in follow-up to the Scottish Government (June 2025) apology:

1. Issue a formal written statement recognising that the Tinker Experiment is not solely historical in nature and is a continuing human rights issue. This should be clear that the State takes responsibility for the harms caused, and is apologising as the Government, not on behalf of historic or unnamed actors.
2. Issue direct written apologies to the victims outlining the harm they have experienced and the State’s role in reaffirming and perpetuating this harm.

SHRC recommends that there is a need for further truth recovery on harms to children. It should be established by Scottish Government and include a truth-seeking exercise involving all those involved in the experiment, including private actors, and should take a human rights based approach. This should be established in collaboration with Scotland’s Gypsy Travellers.

Truth recovery should address the forced migration of Gypsy Traveller children, including investigating cases where Gypsy Traveller children were forcibly migrated outside of Scotland. It should also consider an assessment of the trauma and harms resulting from the treatment of Gypsy Traveller children by public authorities, including the experiences of children at Kippen House in Perth.

Finally, a truth recovery exercise should as a fundamental principle support full document recovery and transparency from all involved bodies.



## Guarantees of Non-Repetition

The SHRC recommends that the Scottish Government review all legislation and policy identified in this report as reaffirming or perpetuating the forced assimilation of Scotland’s Gypsy Travellers. This review should be begun by the government in the current parliamentary session, as a matter of urgency, and completed within a maximum period of three years.

The review should include consideration of the impacts of recent legislation such as the Housing (Scotland) Act 2025 on the tenancy status of Gypsy Travellers.

Within six months of this report’s publication, a timeline and plan should be made publicly available regarding the reform of both the Trespass (Scotland) Act 1865 and the Land Reform (Scotland) Act 2016. This should be done with the view to enabling the use of designated stopping places for Gypsy Travellers in Scotland and facilitating the cultural tradition of nomadism.

Scottish Local Authorities should also review all relevant policies to ensure they appropriately reflect the status of Scottish Gypsy Travellers as a protected ethnic group under the Equality Act 2010. This includes ensuring that policies in particular relating to housing, healthcare and education do not constitute unlawful direct or indirect discrimination.

A consistent approach to addressing past harms should be developed in line with the UN General Assembly resolution on Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005) and other relevant guidance. This approach should reflect that to date there have been significant differences in the treatment of groups who have experienced human rights violations, in particular with respect to the disproportionately high length of time Scottish Gypsy Travellers awaited an apology for the harms suffered as part of the Tinker Experiment.

A plan for developing a standardised and transparent approach should be publicly available within one year of this report’s publication. Key to this approach is investigating claims of harm effectively, promptly, thoroughly, and impartially. Additionally, equal and effective access to justice for all who claim to be victims of State harm should be prioritised.

Central to this process should be ensuring that people who report this harm are treated with humanity and respect for their dignity and human rights to avoid re-traumatisation.

# Annex A: Human rights standards relevant to the Tinker Experiment

## International treaties by which the UK is legally bound

- European Convention on Human Rights (ECHR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- United Nations Convention on the Elimination of Racial Discrimination (CERD)
- Council of Europe Framework Convention for the Protection of National Minorities (FCNM)
- United Nations Convention on the Rights of the Child (UNCRC)

## International treaties not ratified by the UK

- United Nations (2007) United Nations Declaration on the Rights of Indigenous Peoples

## Non-legally binding guidance, reports and general comments from international human rights bodies and organisations

### UN General Assembly

- UN General Assembly (2005) Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.
- UN General Assembly (2014) Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed Memorialization processes
- UN General Assembly (2019) Promotion of truth, justice, reparation and guarantees of non-recurrence.

### Council of Europe

- Council of Europe Committee of Ministers (2005). Recommendation four of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe.
- Council of Europe Commissioner for Human Rights Thomas Hammarberg and UN Special Rapporteur on the Right to Adequate Housing Miloon Kothar (2007). Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe.

## Elimination of Racial Discrimination

- UN Committee on the Elimination of Racial Discrimination (1995) General Recommendation 19.
- UN Committee on the Elimination of Racial Discrimination (2024) Concluding observations on the combined 24th to 26th periodic reports of the United Kingdom of Great Britain and Northern Ireland.

## Economic, Social, and Cultural Rights

- Committee on Economic, Social and Cultural Rights (1991) General Comment No. 4.
- Economic and Social Council (2009) General Comment No. 20.
- Committee on Economic, Social and Cultural Rights (2009). General Comment No. 21.
- Economic and Social Council (2023) General Comment No. 9.
- Committee on Economic, Social and Cultural Rights (2025) Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland.

## Other

- International Law Commission (2001) Report of the Commission to the General Assembly on the work of its fifty-third session.
- UN Secretary-General, and UN Commission (2005) Commentary of the Working Group on Minorities to the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.
- Committee on the Elimination of Discrimination against Women (2010) General Recommendation No. 28.
- Human Rights Council (2014) Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya.
- UN Office of the High Commissioners (2015) Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice.
- International Council on Archives on Human Rights (2016) Basic Principles on the Role of Archivists and Records Managers in Support of Human Rights.
- The International Commission of Jurists (2018) The Right to a Remedy and Reparation for Gross Human Rights Violations.
- UN Committee (2024) Concluding observations on the combined 24th to 26th periodic reports of the United Kingdom of Great Britain and Northern Ireland.

# Annex B: Scottish Government response to the 2025 Concluding Observations of the ICESCR Committee

The Scottish Government, in its high-level action plan highlighted the publication of an interim site design guide and stated that as part of the ‘Gypsy/Traveller Accommodation Fund’ nearly £15 million has been committed or spent between 2021-22 and 2024-25 to allow local councils to progress projects for more and better accommodation. However, a detailed breakdown of this spend was not made available as part of this plan.

Additionally, in the same action plan the Scottish Government committed to producing an accommodation needs assessment toolkit, publishing the independent evaluation of the accommodation fund and ensuring that from April 2026, funding for Gypsy Traveller accommodation can be accessed through the affordable housing supply programme.

# Annex C: Methodology

This Annex outlines the approach and processes used in this project to provide a human rights framework assessment on the Tinker Experiment and redress for its victims.

Three separate pieces of work have informed this human rights assessment:

- Desk-based Literature Review: On legislation and policy impacting Scotland's Gypsy Travellers. (Undertaken by the SHRC).
- Archival research and collection of victims' statements. (Undertaken by Dr Rhona Ramsay and co-researcher Roseanna McPhee).
- Expert Legal Analysis on Redress. (Undertaken by Professor Mairead Enright).

## Commissioned research approach

Dr Rhona Ramsay was commissioned to undertake independent research following a public Invitation to Quote (ITQ) process. Members of the Victims Advisory Group were offered the opportunity to feed their views into this process.

It was important for the SHRC to commission an independent researcher due to fears expressed by victims about working directly with public institutions.

Additionally, appointing an independent researcher with previous experience working with Scotland's Gypsy Travellers allowed the victims' voices and views regarding the experiment to be heard. Central to this, was the adoption of a co-research approach with a victim of the experiment and advisory group member, Roseanna McPhee.

## Methods

### Desk-based research on legislation and policy impacting Scotland's Gypsy Travellers

The SHRC undertook desk-based research on policy and legislation impacting Scotland's Gypsy Travellers. This process involved accessing archives at the National Library for Scotland as well as relevant online resources. An internal literature review of pertinent legislation and policy was produced to inform this report.

### Archival research and collection of victims' statements

The research and methodology for this study were co-produced by Dr Rhona Ramsay, researcher, and Roseanna McPhee, co-researcher. Shamus McPhee and Jacqueline McCallum also reviewed the methods in their roles as representatives of the victims of the Tinker Experiment, as did the SHRC.

A mixed methods approach was used by researchers, with two main elements:

- Archival research: This was two-fold and involved exploring the archive of research gathered by victims of the experiment, as well as exploring archival material held in national and local authority repositories.
- Lived experience testimony: The researcher and co-researcher gathered six lived experience testimonies directly. Any victims who did not participate in interviews were offered the opportunity to share testimony directly with the SHRC through written or audio-recorded testimony for transcription. As part of this, one witness chose to provide a transcription of a statement made online in 2011, alongside a written postscript submitted by the witness.

Once submitted, the victims' statements were analysed by the researchers using thematic analysis to identify the impacts of the experiences of the Tinker Experiment.

To ensure benefits to the victims for their participation in this work, Dr Ramsay, as part of the ITQ, was asked to transcribe all archival materials provided by the victims, called the 'Tinker Experiment File'. Following completion of the research, the transcription was provided to the victims to be held as a Victims' Archive, which can be used in their future work and self-advocacy.

## Expert legal analysis on redress

The legal analysis focused on redress and reparations schemes for human rights violations suffered by minority populations internationally. It examined how a similar approach can be applied to reparations for victims of the Tinker Experiment. This is achieved through an overview of the right to reparations, outlining the concept of 'transformative reparations' and examining reparations measures that may be appropriate to the Tinker Experiment.

## Key evidence sources

A range of key evidence sources have informed this report. This includes:

- Victims' Archive, including the 'Tinker Experiment File' held by RAJPOT.
- National Records Scotland (Edinburgh).
- Highland Archive Centre (Inverness).
- Caithness Archive Centre (Wick).
- Perth and Kinross Archives (Perth).
- Victim testimony.

With regard to victim testimony, in line with the SHRC's Participation Strategy for 2024-28 this report presents evidence from testimony of victims. All reasonable efforts have been made to verify statements as fact. However, much of the record of the Tinker Experiment lies in the recollection of experiences of its impacts by the victims themselves. Therefore, we have treated this evidence as authoritative for the purposes of identifying human rights issues.

## Fact checking

During the independent research process, the SHRC’s Research Officer reviewed the independent research methodology to ensure it aligned with best practice. As part of the SHRC’s quality assurance process, this report was reviewed by an internal Legal Officer.

The SHRC also offered victims of the Tinker Experiment the opportunity to respond to the findings of this report, via a victim statement, which we will publish alongside our report.<sup>194</sup> While this report provides a legal analysis of the experiment and its impacts, the victims of the experiment are the ultimate authority in own their experiences and should be treated as such.

Prior to the publication of the report, the SHRC fact-checked the following areas with Scottish Government officials:

- The timelines presented in this report
- New actions committed to by government in relation to cultural investment post June 2025
- Conversations which had occurred and where planned between victims and the Minister for Equalities.

## Victims Advisory Group

At every stage of this project, the SHRC has sought to ensure that victims of the experiment could lead and meaningfully contribute to this work. To achieve this, the SHRC formed a small advisory group called the ‘Victims Advisory Group’. Group members were:

- Roseanna McPhee: victim of the experiment and founder of RAJPOT,
- Shamus McPhee: victim of the experiment and founder of RAJPOT,
- Jacqueline McCallum: victim of the experiment and founder of Mangin Manishes.

Due to the considerable concerns of victims in working with public institutions, the SHRC decided to keep the Victims Advisory Group small and chose only to include three representatives from Gypsy Traveller-led grassroots organisations, who were also victims of the experiment. This was central to developing trust between the victims of the experiment and the SHRC by ensuring the victims’ voices were foregrounded in this project.

Over the course of the project, the Victims Advisory Group meetings were opened to all victims who provided testimony as part of Ramsay and McPhee’s (2025) research. These victims wish to remain anonymous.

# Annex D: Transcribed memorandum regarding removal of twins from Bobbin Mill

[Handwritten addition: Phoned be same?]

COPY MEMORANDUM.

7th April 1956.

From:

To:

The Children's Officer.

The County Factor.

Mrs. \*[Redacted]

Bobbin Mill Cottages, Pitlochry

I have received your memo. dated 24th May.

It seems quite evident that it will be necessary for me to take Mrs. [redacted] forthcoming twins into care soon after confinement. The accommodation is really quite inadequate, not to mention the lack of facilities. There does not seem to be much hope of an early break in the tenancy in the adjoining houses, although it would be a possible solution so far as accommodation is concerned. Is there any hope in the suggestion that that an additional room might be added to the end or the side of the house? There is certainly plenty of ground for such. A suggestion has been made that \*[Redacted] would build a suitable wooden house with drainage, etc., if a piece of ground was made available.

(Intd.) F.E.

[Handwritten addition by Archive staff: \* Name removed]

# Endnotes

- 1 The Scottish Parliament (2010). **The Public Petitions Committee**.
- 2 Scottish Human Rights Commission, **Participation Strategy 2024-28**
- 3 See: **Victims’ Statement**
- 4 Ramsay, R and McPhee, R (2025), p.58.
- 5 As identified by research commissioned by the Scottish Government and conducted by the Third Generation Project at the University of St Andrews called: **Twentieth Century Policies Affecting Gypsy/Traveller Communities in Scotland**.
- 6 Scottish Human Rights Commission, **Strategic Plan 2024-28**
- 7 Scottish Human Rights Commission, **Participation Strategy 2024-28**
- 8 RAJPOT is an inter-cultural peace centre for indigenous and oral cultures in Scotland.
- 9 For more information see Guidance Note on the use of the term Genocide by United Nations Office on Genocide Prevention and the Responsibility to Protect. **Genocide Definition by UN**
- 10 The Scottish Parliament (2010). **The Public Petitions Committee Report**
- 11 McPhee, S. (2017). **Gypsy Traveller history in Scotland**.
- 12 United States Holocaust Memorial Museum (2019). **Genocide of European Roma (Gypsies), 1939–1945**.
- 13 Floate, S.S. (1999). My Ancestors Were Gypsies.
- 14 McPhee, S. (2017). **Gypsy Traveller history in Scotland**; Willers, M. and Johnson, C. (2020). Gypsy and Traveller Law. Third Edition ed. Legal Action Group.
- 15 Willers, M. and Johnson, C. (2020). Gypsy and Traveller Law. Third Edition ed. Legal Action Group.
- 16 Gentleman, H. and Swift , S. (1971). Scotland’s Travelling People: Problems and Solutions: A report of a study of the nature and problems of a minority group within Scotland’s population, with recommendations as to the possible solutions to these problems, carried out by a research section of the Scottish Development Department in 1969’
- 17 Clark, C. (2006). **Defining Ethnicity in a Cultural and Socio-Legal Context**. Scottish Affairs, pp.39–67.

- 18 Watson, A., Collins, B., Bodine-McCoy, A., Eastwood, O., Jernigan, M., Rasmussen, L. and Wood, M. (2025). Archival Research Conducted to Explore **20th Century Policies Affecting Gypsy Travellers**.
- 19 The Church of Scotland. (2025). **Statement from the Church of Scotland: report on policies affecting Gypsy/Traveller communities in Scotland**.
- 20 Perth and Kinross Council (n.d.). **Perth Council Meeting Details**.
- 21 Report of the Departmental Committee on Vagrancy in Scotland (Department of Health for Scotland). Presented by the Secretary of State for Scotland to parliament by Command of His Majesty. (1936)
- 22 Ramsay and McPhee’s research (2025), points to two newspaper articles which indicate families first moved into Bobbin Mill in 1948. However, the Third Generation Project’s research report states Bobbin Mill came into operation in 1947. Therefore, for the purposes of this report, we have used the date 1947.
- 23 International Law Commission (2001) **Report of the Commission to the General Assembly on the work of its fifty-third session**.
- 24 Van Boven, T. (1993). **Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report /: submitted by Theo van Boven, Special Rapporteur**.
- 25 United Nations (2005). Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. **UN Guidelines on the Right to a Remedy and Reparation**
- 26 See also **Kolk and Kislyiy v. Estonia (2006)**, referencing the **UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity**. However, that the UK has not ratified this Convention.
- 27 Council of Europe (2025). Switzerland: Federal Council recognises crime against humanity against the Yenish and Manouche/Sinti and reiterates its apology. **Switzerland Federal Council Apology**.
- 28 Australian Government (2025). Chapter 13 **Grounds for Reparation, Bringing Them Home**.
- 29 See also **Baxter v. Canada (Attorney General) (2006)**, acknowledging that the settlement agreement reflected the findings of the Royal Commission on Aboriginal Peoples.
- 30 Gathering Strength (1998) **Gathering Strength**
- 31 Mahoney, K. (2019). **Indigenous Legal Principles**: A Reparation Path for Canada’s Cultural Genocide. American Review of Canadian Studies, 207–230.

32 Economic and Social Council (2023). **General Comment No. 9: The domestic application of the Covenant**

33 Economic and Social Council (2009). **General Comment No. 20 Non-discrimination in economic, social and cultural rights.**

34 Committee on the Elimination of Discrimination against Women (2010). **General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women.**

35 United Nations (2007). **United Nations Declaration on the Rights of Indigenous Peoples.**

36 United Nations (1994), p.39.

37 Council of Europe (1995). **Framework Convention for the Protection of National Minorities. Helsinki Monitor, pp.120–126.**

38 UN Committee. (2024). **Concluding observations on the combined 24th to 26th periodic reports of the United Kingdom of Great Britain and Northern Ireland: Committee on the Elimination of Racial Discrimination.**

39 Norrie, K. (2017). **Legislative Background to the Treatment of Children and Young People Living Apart from their Parents.**

40 Departmental Committee on Tinkers (Scotland) (1918). Report of the Departmental Committee on Tinkers in Scotland. p.22.

41 Ramsay, R and McPhee, R (2025), p.13.

42 Report of the Departmental Committee on Vagrancy in Scotland (Department of Health for Scotland) Presented by the Secretary of State for Scotland to parliament by Command of His Majesty. (1936)

43 Gentleman, H. and Swift, S. (1971). Scotland’s Travelling People: Problems and Solutions: A report of a study of the nature and problems of a minority group within Scotland’s population, with recommendations as to the possible solutions to these problems, carried out by a research sections of the Scottish Development Department in 1969’.

44 Ramsay, R. and McPhee, R. (2025).

45 Gentleman, H. and Swift , S. (1971). Scotland’s Travelling People: Problems and Solutions: A report of a study of the nature and problems of a minority group within Scotland’s population, with recommendations as to the possible solutions to these problems, carried out by a research sections of the Scottish Development Department in 1969’

46 Taylor, B. (2023). **Intermittent Citizens: Scotland’s Travellers, Welfare, and the Shifting Boundary of State and Voluntary Action in the Early Twentieth Century.** *Journal of British studies/The Journal of British Studies*, pp.640–661

47 Taylor, B. (2023). **Intermittent Citizens: Scotland’s Travellers, Welfare, and the Shifting Boundary of State and Voluntary Action in the Early Twentieth Century.** pp.640–661.

48 Ramsay, R. and McPhee, R. (2025).

49 Departmental Committee on Tinkers (Scotland) (1918). Report of the Departmental Committee on Tinkers in Scotland. p.24.

50 Ramsay, R. and McPhee, R. (2025), p.34.

51 Office for The High Commissioner of Human Rights (1991). **General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant).**

52 See: For example **Comment 2 of the Committee v Torture (2008)** paragraph 17 relating in particular to the responsibility of the State for privately run detention centres and their obligation to monitor and take all effective measures to prevent torture and ill treatment.

53 LLP, H.M. (n.d.). **The history of asbestos in Scotland & the evolution of asbestos law.**

54 Ramsay, R and McPhee, R (2025), p.28.

55 Ramsay, R. and McPhee, R. (2025), p.24.

56 Ramsay, R and McPhee, R (2025), p.28.

57 Ramsay, R. and McPhee, R. (2025), p.46.

58 Ramsay, R and McPhee, R (2025), p.33.

59 Ramsay, R and McPhee, R (2025), p.31.

60 Watson, A., Collins, B., Bodine-McCoy, A., Eastwood, O., Jernigan, M., Rasmussen, L. and Wood, M. (2025). **Archival Research Conducted to Explore 20th Century Policies Affecting Gypsy/Traveller Communities in Scotland.**

61 Ramsay, R. and McPhee, R. (2025), p.69.

62 Ramsay, R. and McPhee, R. (2025), p.37.

63 Ramsay, R. and McPhee, R. (2025). p.40.

64 Clark, C. (2024). **The Green Agenda: Why the Provision and Development of Gypsy/Traveller Sites in Scotland is a Health Hazard as Much as an Accommodation Priority.** Social policy and society, pp.1–13.

65 Willers, M. and Johnson, C. (2020). Gypsy and Traveller Law. Third Edition ed. Legal Action Group.

66 Quarmby, K. (2023). **Mapped: Authorised Gypsy/Traveller sites are near sewage plants and rubbish dumps.**

67 The Scottish Government (2020). **Gypsy/Travellers – accommodation needs: evidence review.**

68 Clark, C. (2024). **The Green Agenda: Why the Provision and Development of Gypsy/Traveller Sites in Scotland is a Health Hazard as Much as an Accommodation Priority.** Social policy and society, pp.1–13.

69 Scottish Women’s Budget Group. (2024). **A Gender Budgeting Analysis of Scottish Gypsy Traveller Sites.**

70 Acts Church and society Network: **A Report on the Churches’ Attitude to the Travelling Community in Scotland.** (2011).

71 Scottish Women’s Budget Group. (2024). **A Gender Budgeting Analysis of Scottish Gypsy Traveller Sites.**

72 **Travellers’ Rights – Making Rights Real**

73 Charter Outcome 1 on Equalities, Charter Outcome 5 on Repairs Outcome 5 on Repairs, Maintenance and Improvements and Charter Outcome 16 on Gypsy/Travellers

74 **X v. Latvia [GC] [2013],**

75 **Barnea and Caldararu v Italy, 2017 [2017]**

76 Ramsay, R. and McPhee, R. (2025), p.22.

77 Ramsay, R. and McPhee, R. (2025), p.22.

78 Perth & Kinross County Council Children’s Home was based in Kippen House in Dunning between 1950 and 1974 according to Peth and Kinross Archive Online Catalogue.

79 Ramsay, R. and McPhee, R. (2025), p.21.

80 Ramsay, R. and McPhee, R. (2025), p.19.

81 Ramsay, R. and McPhee, R. (2025), p.20.

82 Ramsay, R. and McPhee, R. (2025), p.23.

83 Ramsay, R. and McPhee, R. (2025). p.57.

84 Ramsay, R. and McPhee, R. (2025). pp.20-21.

85 **DH and Others v Czech Republic, 2007 (application number 57325/00) §§ 207-208.**

86 **UN Committee on the Elimination of Racial Discrimination, General Recommendation 19 (1995).**

87 General Comment no.20 ICESCR Committee

88 Ramsay, R. and McPhee, R. (2025). p.48.

89 Ramsay, R. and McPhee, R. (2025). p.48.

90 Ramsay, R. and McPhee, R. (2025). p.32.

91 Ramsay, R. and McPhee, R. (2025). p.49.

92 Ramsay, R. and McPhee, R. (2025). p.49.

93 Ramsay, R. and McPhee, R. (2025). p.49.

94 Ramsay, R. and McPhee, R. (2025). p.50.

95 Ramsay, R. and McPhee, R. (2025). p.50.

96 Ramsay, R. and McPhee, R. (2025). p.50.

97 Ramsay, R. and McPhee, R. (2025). p.32.

98 Ramsay, R. and McPhee, R. (2025). p.51.

99 Ramsay, R. and McPhee, R. (2025). p.51.

100 Ramsay, R. and McPhee, R. (2025). p.51.

101 Committee on Economic, Social and Cultural Rights (2009). **General comment No. 21 Right of everyone to take part in cultural life (art. 15, para. 1 (a) of the International Covenant on Economic, Social and Cultural Rights).**

102 UN Committee on Economic, Social and Cultural Rights (1991). **General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant).**

103 Committee on the Elimination of Racial Discrimination (2024). **Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland.**

104 Council of Europe Commissioner for Human Rights Thomas Hammarberg and UN Special Rapporteur on the Right to Adequate Housing Miloon Kothar (2007). **Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe.**

105 **Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik.**

106 ICESCR Committee (2025). **Concluding observations on the 7th periodic report of the United Kingdom of Great Britain and Northern Ireland: Committee on Economic, Social and Cultural Rights.** [online] United Nations Digital Library System.

107 Council of Europe Committee of Ministers (2005). **Recommendation 4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe.**

108 Ramsay, R. and McPhee, R. (2025). p33

109 Alexander, J. (2004). **Toward a Theory of Cultural Trauma.**

110 Advisory Committee on Scotland’s Travelling People (n.d.). Ninth Term Report 1998-1999.

111 James, Z. (2023). Criminalizing Gypsies, Roma, and Travellers in the UK. In: The Routledge International Handbook on Decolonizing Justice. Taylor & Francis.

112 Advisory Committee on Scotland’s Travelling People (n.d.). Ninth Term Report 1998-1999.

113 Gentleman, H. and Swift, S. (1971).

114 Advisory Committee on Scotland’s Travelling People (1982). Third Term Report: 1979-1982.

115 Research from The Third Generation Project at St Andrews University stated that this non-harassment policy (in place until 2001) led to disproportionate vehicle checks, road tax inspections and administrative offences where police would check vehicles upon entry and exit of sites.

116 Advisory Committee on Scotland’s Travelling People (n.d.). Ninth Term Report 1998-1999.

117 Advisory Committee on Scotland’s Travelling People (1982). Third Term Report: 1979-1982.

118 Once sites were established, local authorities had full responsibility for the ongoing maintenance, servicing and repairs of these sites.

119 Advisory Committee on Scotland’s Travelling People, ninth Term Report 1998-1999 (available at National Library of Scotland)

120 Advisory Committee on Scotland’s Travelling People (n.d.). Ninth Term Report 1998-1999.

121 Advisory Committee on Scotland’s Travelling People (1982).

122 Advisory Committee on Scotland’s Travelling People (n.d.). Ninth Term Report 1998-1999.

123 **Wendy Smith vs. Secretary of State for the Home Department (2024)**

124 Brown, P (2015) Developing Successful Site Provision for Scotland’s Gypsy/Traveller Communities: A report for the Equality and Human Rights Commission **Equality and Human Rights Commission**.

125 Scottish Government (2017). **Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland**.

126 Police Scotland (2022). **Gypsies/Travellers: Response to Unauthorised Encampments National Guidance**.

127 It is also worth noting that, the **Land Reform (Scotland) Act (2003)** remains active. The act was amended and updated by **Land Reform (Scotland) Act (2016)** and that as of August 2025, a new Land Reform Bill introduced in **March 2024** will again seek to further amend and update the act. However, suggested amendments do not appear to extend to the use of land for stopping places for Gypsy Travellers living in Scotland.

128 Brown, P. (2015). **Developing Successful Site Provision for Scotland’s Gypsy/Traveller Communities: A report for the Equality and Human Rights Commission**.

129 **NRS Web Continuity Service**

130 **Research on Learning from the Negotiated Stopping Approach to Supporting Roadside Camps in Scotland. (2024)**.

131 Clark, C. (2024). **The Green Agenda: Why the Provision and Development of Gypsy/Traveller Sites in Scotland is a Health Hazard as Much as an Accommodation Priority**. Social policy and society, pp.1–13.

132 Making Rights Real (2024). **MRR’s Report to the Committee on the Elimination of Racial Discrimination (CERD)**.

133 Ramsay, R. and McPhee, R. (2025). p.62.

134 The Scottish Government (2025). **Historical policies affecting Gypsy/Traveller communities: First Minister’s statement**.

135 The Scottish Government (2021). **Improving accommodation for Gypsy/Traveller communities**.

136 This commitment runs until March 2026

137 United Nations (2005). **Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.**

138 United Nations General Assembly (2019). **Promotion of truth, justice, reparation and guarantees of non-recurrence.**

139 United Nations General Assembly (2019). **Human rights and transitional justice.**

140 Anon, (2024). **‘I’m marching to Holyrood to demand apology for historic Gypsy Traveller abuse’.**

141 The Scottish Government (2025). **Historical policies impacting Gypsy/Traveller communities: Scottish Government’s response.**

142 The Scottish Government (2025). **Policies affecting Nackens (Scottish Gypsy Travellers), Gypsy/Travellers and Scottish Travellers: lived experience testimonies.**

143 **Apology for ‘living nightmare’ of forced adoption. (n.d.). BBC News.**

144 Failure to provide reparations is itself a wrongful act which then triggers the entitlement to seek reparations in an international forum.

145 Ramsay, R. and McPhee, R. (2025). p.63.

146 Ramsay, R. and McPhee, R. (2025). p.63.

147 Ramsay, R. and McPhee, R. (2025). pp.63-64

148 Ramsay, R. and McPhee, R. (2025). p.64

149 Ramsay, R. and McPhee, R. (2025). p.64

150 Ramsay, R. and McPhee, R. (2025). p.65

151 Ramsay, R. and McPhee, R. (2025). p.65

152 UN Committee on the Elimination of Racial Discrimination (2024). **Concluding observations on the combined 24th to 26th periodic reports of the United Kingdom of Great Britain and Northern Ireland: Committee on the Elimination of Racial Discrimination.**

153 Anon, (2025). **About The Special Advocate – Special Advocate.**

154 Victorian Government (2022). **Summary of Recommendations.**

155 Victorian Government (2025). **About the package.**

- 156 Abuseincare.org.nz. (2025). **He Purapura Ora, he Māra Tipu from Redress to Puretumu Torowhānui, Abuse in Care – Royal Commission of Inquiry.**
- 157 Redress Design Group (2023). **High-level design for an effective survivor-led and survivor-centred redress system.**
- 158 Victorian Government (2025). **About the package.**
- 159 Home Office (2022). **Windrush Compensation Scheme: full rules (accessible version).**
- 160 Redress for Survivors (**Historical Child Abuse in Care**) (**Scotland**) Act (2021).
- 161 Australian Government. (2024). **Personal Acknowledgement** ; Premier of Victoria, **Helping Heal The Hurt Of Forced Adoptions In Victoria**
- 162 Australian Government (2021). **Direct Personal Response Action Plan, National Redress Scheme.**
- 163 Victorian Government (2023). **Helping Heal The Hurt Of Forced Adoptions In Victoria.**
- 164 The Church of Scotland. (2025). **Statement from the Church of Scotland: report on policies affecting Gypsy/Traveller communities in Scotland.**
- 165 United Nations (2005). **Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.**
- 166 For examples of memorialisation process please see: **UN General Assembly (2014) report on memorialisation.**
- 167 United Nations (2005). Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.
- 168 For detailed guidance on creating and managing archives see: **International Council on Archives Human Rights Working Group (2016) Basic Principles on the role of Archivists and Records Managers in Support of Human Rights** and **UN General Assembly (2015) Section 96 of Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff.**
- 169 Enright, M. (2025). The ‘Tinker Experiments’: A Rights-Based Approach to Reparations.
- 170 For example: the 1894 Inquiry on ‘ Habitual Offenders, Vagrants, Beggars, Inebriants and Juvenile Delinquents and the 1936 inquiry into ‘Vagrancy in Scotland’.

171 **The UN Missions of Inquiry and fact-finding missions on International Human Rights and Humanitarian Law Guidance and Practice Document** offers some helpful considerations which could be applied in a public inquiry context, including using a participatory approach and doing no harm.

172 Enright, M. (2025). The 'Tinker Experiments': A Rights-Based Approach to Reparations.

173 See, for example discussion in the context of New Zealand's response to abuse of Māori rights **A Guide to the Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal**.

174 This is the case with **Australia's National Redress Scheme for People who have Experienced Institutional Child Sexual Abuse**.

175 For example, the **Canadian residential school's settlement agreement provided for an advance payment for older applicants**. A similar procedure was implemented in equivalent **Scottish** and **Northern Irish** schemes.

176 For further discussion on this proposal see: UK Parliament Debate on **Potential merits of introducing a capital disregard for payments made to UK residents under the Republic of Ireland's Mother and Baby Institutions Payment**.

177 For further information see: **UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law and The Rules of Court of the European Court of Human Rights**.

178 United Nations (2005). **Basic Principles and Guidelines on the Right to a Remedy and Reparation for victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**.

179 United Nations (1965). **International Convention on the Elimination of All Forms of Racial Discrimination**.

180 For all additional measures discussed in the legal expert opinion see: The 'Tinker Experiments': A Rights-Based Approach to Reparations. pp.40-44

181 Yoorrook Commission (2015). **Yoorrook Recommendations: Yoorrook Justice Commission**.

182 Victorian Government (2025). **Historical Forced Adoptions Redress Scheme**.

183 Government of Canada (2017). **Reconciliation**.

184 Government of Canada (2020). **Creating the MMIWG and 2SLGBTQI+ national action plan**.

185 Murray, A. (2022). **Denmark says sorry to children of failed experiment**. BBC News.

- 186 General Assembly (2023). **Report of the Special Rapporteur on the rights of Indigenous Peoples, José Francisco Calí Tzay.**
- 187 Ilisimatusarfik (2025). **Historical research project on the relations between Greenland and Denmark now underway.**
- 188 **Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act (2021).**
- 189 **Redress Scotland. (2021).**
- 190 Maeve, O. (2020). **Title Submission to the Scottish Parliament’s Education and Skills Committee, on the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Bill.**
- 191 Scottish Legal News. (2022b). **Lawyers and victims condemn ‘disgusting’ Scottish government Redress scheme.**
- 192 Enright, M. (2025). The ‘Tinker Experiments’: A Rights-Based Approach to Reparations.
- 193 Ramsay, R. and McPhee, R. (2025). p.50.
- 194 **See victims of the experiment’s statement in response to this report on the SHRC website**



Scottish Human Rights Commission  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

[scottishhumanrights.com](http://scottishhumanrights.com)