



CRER’s evidence to Scottish Human Rights Commission’s Shadow Report to the UN Human Rights Council in relation to the UK’s Third Universal Periodic Report (May 2016)

The Coalition for Racial Equality and Rights (CRER), formerly the Glasgow Anti-Racist Alliance (GARA), works to eliminate racial discrimination and promote racial justice across Scotland. Through capacity building, research and campaigning activities which respond to the needs of communities, our work takes a strategic approach to tackling deep rooted issues of racial inequality. CRER has experience of anti-racist work covering areas such as community engagement and empowerment, research and resource development, practical training and equality mainstreaming support for Public and Voluntary Sector organisations.

The research included below has been gathered from national data, studies completed by CRER and other NGOs operating in Scotland, as well as through conversations with communities, activists and key stakeholders.

CRER also submitted evidence as part of a wider UK shadow report to the UN Committee on the Elimination of Racial Discrimination (CERD) coordinated by Runnymede and partners. CRER fully endorses the content of the UK NGO shadow report to CERD and will shortly be publishing our own Scottish shadow report, examining only the areas of devolved policy that apply to Scotland and minority ethnic groups living in across Scotland.

Issue	What is your experience of the Issue?	What action should the Scottish Government take to address this issue?	Further references and evidence (hyperlinks, reports, statistics)
National Human Rights Institutions in Scotland	There continues to be confusion and concern about the separation of duties between the Scottish Human Rights Commission and the Equality and Human Rights Commission in Scotland. While human rights issues relating to devolved areas (e.g. criminal justice, health, housing, education) are within the remit of the SHRC, it does not have the power to support individuals in claims or legal proceedings. This	The Scottish Government may wish to inquire about the relationship between the SHRC and the EHRC, and the lack of human rights focussed NGOs in Scotland. Additionally, consideration should be given to the remit of the Equality	The Scottish Government, <i>Human Rights Organisations</i> http://www.gov.scot/Topics/Justice/law/human-



CRER's evidence to Scottish Human Rights Commission's Shadow Report to the UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)

	<p>limits the ability of minority ethnic individuals in Scotland to exercise and advocate their human rights. There is also a marked lack of NGOs in Scotland dedicated solely to human rights in Scotland, with organisations such as Amnesty International limited in its remit and focused on wider issues. The SHRC does not fund organisations, and a lack of financial support has caused some NGOs to dissolve. This may lead to complacency surrounding human rights in Scotland.</p>	<p>and Human Rights Commission in Scotland and the Scottish Human Rights Commission to consider the powers of each, particular in relation to devolved areas and the support of individuals in claims or legal proceedings.</p>	<p>rights/HumanRightsOrganisations</p>
<p>BME students in education</p>	<p>The 2011 Census recorded 4% of the Scottish population as being from a (non-white) minority ethnic origin. In terms of educational attainment, the average tariff score achieved was higher for all non-white school leavers than for white Scottish pupils. There were a reported 1,274 racist incidents in Scottish schools between 2011 and 2012 – 730 in primary schools, and 544 in secondary schools.</p> <p>Further to this research conducted by the Scottish Government also found that institutional racism has an impact of minority ethnic pupils' sense of inclusion or exclusion. A minority of teachers and senior managers spoke of a multi-agency partnership approach to tackling racism and racial bullying in schools by developing links with the community police and voluntary sector.</p>	<p>These findings suggest there are still underlying issues with institutional racism across the education system within Scotland. Scottish Government should ensure that there is a national policy on racist incident reporting to ensure that there is consistent policies on prevention, action, monitoring, assessment, evaluation, staff training and enforcement to effectively challenge institutional racism and</p>	<p>BBC Scotland, <i>Figures show racist incidents in schools</i>, http://www.bbc.co.uk/news/uk-scotland-scotland-politics-23739952</p> <p>The Scottish Government, <i>Minority ethnic pupils' experiences of school in Scotland</i> http://www.gov.scot/Publications/2005/03/mepess/13</p>



CRER's evidence to Scottish Human Rights Commission's Shadow Report to the UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)

	<p>Overall, teachers did not report frequent or systematic racial incidents or bullying. There was not a unanimous approach about how to approach the issues, or whether racial bullying was different than other forms of bullying. Many thought racist incidents in school were on the decline or rare.</p> <p>However, racism, both direct and indirect, was a daily feature for many of the minority ethnic pupils interviewed, who recounted racist incidents, name-calling, harassment, and bullying both within and outwith the school. Some believed their school did not do enough to support them and prevent bullying. Among the staff of schools, some teachers believed some of their colleagues had issues in terms of equality, and race equality in particular, and were worried about racist and ignorant views of fellow teachers.</p> <p>The Coalition for Racial Equality and Rights surveyed local authority education departments for policies relating to racist incident reporting. It was found that whilst some local authorities had excellent policies there was large variation across local authorities in terms of prevention, action, monitoring, assessment, evaluation, staff training, and enforcement.</p>	<p>support minority ethnic children in Scotland's schools.</p>	<p>Coalition for Racial Equality and Rights, <i>Racist Incident Reporting in Schools</i>, http://www.crer.org.uk/attachments/article/RIReport.pdf</p> <p>Lough Dennell, B.L., and Logan, C. (2015) Prejudice-based bullying in Scottish schools: A research report. EHRC Scotland.</p>
--	--	--	--



**CRER’s evidence to Scottish Human Rights Commission’s Shadow Report to the
UN Human Rights Council in relation to the UK’s Third Universal Periodic Report (May 2016)**

<p>Race Equality</p>	<p>On the 21st March 2016, the Scottish Government published their Race Equality Framework for Scotland 2016-2030, which replaced the Race Equality Statement for 2008-2011. The 2008-2011 Statement was designed to “indicate a direction of travel for race equality work in the short term and to lay foundations to assist us all, central and local government, voluntary and public sector bodies and communities to make the changes necessary to advance race equality in the longer-term.” The five year gap between the Statement and the Framework is troublesome, as it is indicative of a time in which the Scottish Government and its stakeholders did not have a strategic plan in place to address race inequality.</p> <p>The Framework was developed in collaboration with race equality organisations, including CRER, and has incorporated engagement and feedback from minority ethnic individuals, community representatives, stakeholders and practitioners. The Framework addresses issues surrounding community cohesion, community safety and justice, participation and representation in public life, education, employment, income, health, housing and family life. In addition to the points raised in this paper on these themes, the Committee may wish to inquire about the gap between the Statement and the Framework, and about the aims of the framework, including specific action plans and resource allocation.</p>	<p>While the publication of a new framework is welcome, the Scottish Government should ensure this strategy includes tangible aims and outcomes, and remains resourced and prioritised throughout its life. Furthermore, insofar as its devolved powers allow, the Scottish Government should hold public authorities to account in relation to the Scottish Specific Equality Duties, and enforce adherence to the duties. Monitoring practices should be robust across the nation.</p>	<p>CRER, <i>Race Equality Framework for Scotland</i> (March 2016) http://www.crer.org.uk/81-front-page-articles/543-new-framework-for-race-equality-in-scotland</p> <p>The Scottish Government, <i>Race Equality Statement</i> (December 2008) http://www.gov.scot/Topics/People/Equality/18934/RaceEqualityStatement</p>
----------------------	--	--	--



CRER's evidence to Scottish Human Rights Commission's Shadow Report to the UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)

<p>Racist Violence and Hate Crime</p>	<p>In 2013-2014, there were 4,807 racist incidents recorded by the police in Scotland and 5,520 crimes recorded. The most common crimes recorded were racially aggravated conduct (48%) and breach of the peace (28%). The majority of incidents occurred on the street, in a dwelling or in a shop. Where the ethnicity was known, those with a Pakistani ethnic background were the most likely to be the victim or complainant of a racist incident recorded by the police per rate of the population, with 224 victims/complainers per 10,000 of the population, followed by African, Caribbean or Other Black background with 190 and Indian background with 104 victims/complainers per 10,000 of the population. The average across all ethnic backgrounds Scotland is 11 victims/complainers per 10,000 of the population. 90.4% of perpetrators were white British, with 95.3% from any white background. Where the result was known, 94.7% of incidents resulted in at least one crime being recorded, and 81.3% of perpetrators were referred to the Procurator Fiscal. This appears to be an increase, but comparison is cautioned due to issues with data collection</p> <p>However, the report presented "victim" and "complainant" within the same category, which clouds the data and does not make clear which ethnic groups are most often the victims of racist incidents, as the ethnicity recorded could either be the ethnicity of the victim or the witness. Of the hate crimes reported to the Procurator Fiscal, racist hate crime is the most common with 3,785 charges in 2014-2015, and 569 religiously-motivated hate crimes reported. There has been a</p>	<p>The Scottish Government should reconsider its approach to recording and reporting data on the victims and perpetrators of racially or religiously motivated hate crimes. Consideration should also be given to the ease and transparency of the reporting procedure to ensure victims feel comfortable and confident in reporting. Police Scotland should be encouraged to work alongside communities to address hate crime.</p>	<p>The Scottish Government, <i>Racist Incidents Recorded by the Police in Scotland 2013-2014</i>, http://www.gov.scot/Resource/0048/00489644.pdf</p> <p>The Crown Office Procurator Fiscal in Scotland, <i>Hate Crime in Scotland 2014-2015</i>, http://www.crownoffice.gov.uk/images/HateCrimeinScotland2014-15.pdf</p> <p>The Scottish Government, <i>Independent Advisory Group</i>, http://www.gov.scot/Topics/People/Equality/IndependentAdvisoryGroup</p>
---------------------------------------	--	---	--



**CRER's evidence to Scottish Human Rights Commission's Shadow Report to the
UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)**

	<p>decrease of 9% in charges related to racially aggravated crimes and a decrease in charges of racially aggravated harassment and behaviour coupled with an increase in charges related to other offences with racial aggravation. In order to prove a charge of racially aggravated harassment and behaviour, two sources of evidence are required, whereas evidence from a single source is enough to prove racial aggravation when attached to another substantive charge. In Scotland, the Lord Advocate has told police that an incident must be investigated as a hate crime if it is perceived by the victim or another person to be aggravated by prejudice.</p> <p>Police Scotland launched a campaign in 2015 to encourage reporting of hate crime and promote use of 3rd party reporting centres. However, only 1.2% of racist incidents were reported in 2013-2014 through a third party reporting centre, with direct reporting from the victim/complainer or police the most popular methods.</p> <p>We also know that racist hate crime is under-reported in Scotland, with victims choosing not to report due to a lack of trust in the police and justice system, confusion surrounding the process, and feeling desensitised to harassment. Minority ethnic individuals have said they want to see simpler reporting methods, clarity and transparency in the process, and to be kept aware of the progress of their case. There has also been concern raised about online hate speech and hate crime, and methods of reporting and recording these. The Scottish</p>		
--	--	--	--



CRER's evidence to Scottish Human Rights Commission's Shadow Report to the UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)

	<p>Government has convened an independent hate crime advisory group, with membership from academics and practitioners.</p>		
<p>Criminal Justice</p>	<p>The controversial practice of non-statutory stop and search for adult and children has been banned by the Scottish Government, to be replaced with a new statutory code of practice.</p> <p>The most recent prison statistics show that the proportion of people from minority ethnic groups in prison is higher than the overall population. In 2011-2012, minority ethnic individual constituted 3.9% of the prison population, against 3.2% of the general population. The most recent survey of prisoners revealed that 31% of minority ethnic prisoners experience racial discrimination from other prisoners, and 22% are bullied, with 68% of these due to their race and 62% due to their nationality.</p> <p>Studies regarding access to justice for minority ethnic individuals are outdated, but a 2011 survey of the Public Defence Solicitors' office shows that 9% of respondents were from a minority ethnic background, compared to 4% of the population. Data from a 2004 survey stated that 36% of minority ethnic respondents experienced civil law problems, which was significantly higher than the average.</p>	<p>The Scottish Government should ensure more robust data collection and monitoring of the criminal justice system, particularly in reference to the access to justice, prosecution rates, and representation in the prison population.</p>	<p>BBC Scotland, <i>Stop and searches by Police Scotland to end</i>, http://www.bbc.co.uk/news/uk-scotland-scotland-politics-34137632</p> <p>The Scottish Government, <i>Equality Outcomes: Justice</i>, http://www.gov.scot/Publications/2013/06/1953/10</p> <p>The Scottish Government, <i>The Strategy for Justice in Scotland: Evidence Paper</i>, http://www.gov.scot/Publications/2012/09/8279/6</p>



CRER's evidence to Scottish Human Rights Commission's Shadow Report to the UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)

	<p>Where ethnicity was known, 5% of community service orders made in 2011 related to minority ethnic offenders, which is slightly higher than 4% of the population.</p> <p>While not particular to race, the Scottish Government's decision to cut the legal aid budget by £10 million is likely to limit access to the justice system for those with a low income, which will disproportionately affect those from a minority ethnic background.</p> <p>Information comparing prosecution rates for white and minority ethnic individuals was not available. The Committee may wish to inquire further about this lack of data.</p>		<p>The Herald Scotland, <i>Law Society Hits Out at Legal Aid Cuts</i>, http://www.heraldscotland.com/news/crime_courts/14153283.Law_society_hits_out_at_legal_aid_cuts/</p>
<p>Police Complaints</p>	<p>Eleven individuals have died in police custody since Police Scotland was formed in 2013. One high profile case involved Sheku Bayoh, a Scottish man originally from Sierra Leone. In March 2015 Bayoh was restrained and died in police custody. One of the principal police officers involved in this case has a history of violence and racism. There were significant delays from the officers involved in providing essential information to the Police Investigations and Review Commissioner, which has created difficulty in determining the cause of death. Campaigners have called for a thorough independent investigation into his death.</p> <p>There is also significant concern about the under-representation of minority ethnic people in Police Scotland, with 1% of police officers</p>	<p>The Scottish Government should consider commissioning an independent review of institutional racism in Police Scotland. Furthermore, the Scottish Government should report on the complaints of racial discrimination made to the Police Investigations and Review Commissioner, as well as the outcome of these reports.</p>	<p>BBC Scotland, <i>Sheku Bayoh custody death</i>, http://www.bbc.co.uk/news/uk-scotland-34529611</p> <p>The Scottish Parliament (3 September 2015) <i>Official Report: Equal Opportunities Committee</i>, http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10067</p>



**CRER's evidence to Scottish Human Rights Commission's Shadow Report to the
UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)**

	<p>from a minority ethnic background, compared to a population which is 4% minority ethnic. Further issues regarding the recruitment, promotion, and retention of minority ethnic police officers has also been raised.</p> <p>Minority ethnic communities are also concerned about the organisational culture of police Scotland, and the presence of institutional racism. Groups have called for an external, independent review of institutional racism within Police Scotland, with minority ethnic community involvement. However, this perception stands in stark contrast to a statement made by the head of resource management for Police Scotland during a parliamentary inquiry who said, "We do not believe there is any significant institutional racism within Police Scotland – in fact, I would be astounded if there was any at all..."</p>		
Human Trafficking	<p>An area of concern in the last review was human trafficking in Scotland and lack of legislation or a comprehensive strategy to address the issue. The Human Trafficking and Exploitation (Scotland) Act 2015 created a single human trafficking offence, guarantees support and protection for victims, and requires Scottish Ministers to develop an anti-human trafficking strategy, which has not yet been published.</p>	<p>The Scottish Government may wish to address when this strategy will be published, and how the legislation will result in a rise in convictions in Scotland.</p>	<p>The United Kingdom Government Legislation, <i>Human Trafficking and Exploitation (Scotland) Act 2015</i>, http://www.legislation.gov.uk/asp/2015/12/contents/enacted</p>



CRER's evidence to Scottish Human Rights Commission's Shadow Report to the UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)

<p>Political Participation</p>	<p>In the 2015 General Election, only one non-white minority ethnic MP was elected, accounting for 1.7% of Scottish MPs. In total, ten minority ethnic candidates stood for election, or 3.3% of the total. In the 2011 Scottish Election, 16 minority ethnic candidates stood, accounting for 3.9%, although all but one party stood less than 4% (the percentage of minority ethnic individuals in Scotland). Only two were elected, or 1.6% of the total number of MSPs, as the candidates standing were often not placed in so-called winnable seats, or were placed low on regional lists. Following the most recent Scottish Parliament elections there has been no change in the number of BME MSPs, with two being elected in May 2016.</p> <p>In the 2012 Scottish Local Elections, only 1.4% of elected councillors were from a minority ethnic background, and only seven of the 32 local councils have at least one minority ethnic councillor. The number of female minority ethnic councillors increased from zero in the last election to four, or 0.3% of all councillors. There has never been a female minority ethnic MSP.</p> <p>None of the Scottish political parties monitors the ethnicity of their membership, making it difficult to determine if there is discrimination in the selection process for candidates. One party claimed that the information was, "deemed unimportant to the functioning of the party."</p>	<p>Scottish political parties should take legal positive action to increase the representation of minority ethnic communities in elected offices. Consideration should also be given to setting ethnicity quotas for candidates in Scottish Parliament and local elections.</p>	<p>UK Parliament website, <i>Frequently Asked Questions: MPs</i>, http://www.parliament.uk/about/faqs/house-of-commons/faqs/members-faq-page2</p> <p>The Guardian, <i>Election Results 2011: equalities and diversity in Holyrood, Cardiff Bay, and Stormont</i> Data: Scotland 2011 Results http://www.theguardian.com/news/datablog/2011/may/09/scottish-parliament-northern-ireland-welsh-assembly-election-results-diversity</p> <p>The Guardian. <i>Scottish Parliament and Welsh Assembly elections 2011: how diverse are the</i></p>
--------------------------------	--	---	---



**CRER's evidence to Scottish Human Rights Commission's Shadow Report to the
UN Human Rights Council in relation to the UK's Third Universal Periodic Report (May 2016)**

	<p>There was a concerning lack of diversity in the candidate pool for the 2016 Scottish Election, with several parties not standing any minority ethnic candidates. The Equality Act 2010 allows for the reservation of places for those of different racial groups on their short lists for candidates, but no party has done so in this election. The Women 50:50 campaign has called for equal representation for women in elected bodies, but the same enthusiasm has not been generated for ethnic representation.</p>		<p><i>candidates?</i> Data: Scotland 2011 Candidates http://www.theguardian.com/news/datablog/2011/apr/04/scottish-parliament-welsh-assembly-election-candidates-diversity</p> <p>CRER, <i>Minority Ethnic Representation in the 2012 Scottish Local Government Elections.</i> http://www.crer.org.uk/images/PDFs/mep2012.pdf</p>
--	---	--	--