



CRER Shadow Report submission to the Advisory Committee on the Framework Convention for the Protection of National Minorities (2016)

Introduction

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 in our shadow report 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 was delighted to have the opportunity to speak to members of the Advisory Committee on the Framework Convention for the Protection of National Minorities in Edinburgh¹ as part of their state visit to the UK. The following written submission provides greater detail and supporting evidence on the issues CRER raised at this meeting.

Race Equality Framework for Scotland 2016-2030

On the 22nd March 2016, the Scottish Government published their Race Equality Framework for Scotland 2016-2030ⁱ, 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.”ⁱⁱ 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.

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.

¹ Held on 8th March 2016 in the Scottish Storytelling Centre, Edinburgh (hosted by BEMIS)

Community Cohesion and Safety

While many issues relating to refugees and asylum seekers are reserved to the UK Government, the Scottish Government does have power over some areas. Concerns have been raised surrounding access of quality housing, the provision of culturally and linguistically-sensitive healthcare, access to local English language classes, and accessible information on the education system and employment.ⁱⁱⁱ The Committee of Ministers of the Council of Europe may wish to inquire about the quality and availability of services accessible to refugees in Scotland.

While UK law prohibits the incitement to racial hatred both online and offline, current events have sparked a rise in racial and religious hatred, harassment and attacks. Addressing online hate speech in particular has proved challenging. Far-right groups such as the Scottish Defence League have been active in spreading hate speech through social media^{iv}, organising demonstrations against immigration and refugees, and attempting to incite hatred. While some planned marches have been banned by councils, protests and hate speech continues.^v A member of the UK Independence Party (UKIP), a stringently anti-immigration and anti-integration party, was elected as a Scottish member of the European Parliament in 2014 with 10.4% of the votes.

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 complainer 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.^{vi} This appears to be an increase, but comparison is cautioned due to issues with data collection

However, the report presented “victim” and “complainer” 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 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.

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.

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 Government has convened an independent hate crime advisory group, with membership from academics and practitioners.

Education and Lifelong Learning

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.^{vii} Further to this research conducted by the Scottish Government^{viii} also found that institutional racism has an impact on 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.

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.

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.

CRER 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.^{ix}

Similarly mixed results in terms of local authority policy were found in EHRC Scotland's 2015 research into prejudice based bullying in schools. The qualitative element of the research also found significant concerns about racism in schools, including concern on the part of the researchers that in some cases racist views had been expressed during the focus groups examining prejudice based bullying. Just over half of teachers surveyed for this study reported being aware of bullying within their school based on race or ethnicity. Although it should be noted this study also found over 80% of pupils surveyed said they would be willing to report bullying on the grounds of race or ethnicity.^x

Research published by CRER in 2013 found that in total, 5.6% of higher education students are from a minority ethnic background, which is lower than that of those in further education. The dropout rate was highest for the Black and other ethnic groups, with Asian and mixed ethnic groups having the lowest dropout rates.^{xi}

Employability, Employment and Income

Despite the better (on average) educational attainment (at school), and their subsequent higher participation rate in higher or further education, non-white groups aged 25-49 have a significantly lower employment rate (55.2%) than their white counterparts (72%), and a higher unemployment rate (7.9% compared to 5.5%); Despite common mythology, the self-employment rate for white and non-white groups aged 16-24 and 25-49 are not significantly different (1.6% and 1.3% for 16-24, and 8.9% vs 9.6% for 24-49 year olds).^{xii}

CRER research into the private sector labour market in 2000 found that a quarter of employers with no equality programme in place believed that formal equality policies were 'divisive' and when asked if they would initiate a racial equality programme, the majority of respondents said 'No' even if they were convinced it would reap commercial benefits.

The compounded disparity between white and non-white applicants who are shortlisted and then appointed leads to a situation where 7.1% of all white applicants for public sector posts go on to be appointed, but where only 4.4% of non-white applicants get appointed. This figure is at its starkest in large public sector organisations – where Black and minority ethnic (BME) applicants only have a 1.1% chance of being subsequently appointed, compared to 8.1% for their white counterparts. Even within local authorities, white applicants are almost three times more likely to be successful in securing a post than non-white applicants – 6.1% compared to 2.1%.^{xiii}

Based on 2011 Scottish Government data we can see that the non-white minority population in Scotland are more likely to live in a household with dependent children or as students. Non-white minority ethnic communities have disadvantaged housing circumstances compared to the white ethnic population. According to the 2014 Scottish Household Survey, non-white minority ethnic communities are over-represented in private renting, but under-represented in home ownership and social housing.^{xiv}

According to the Joseph Rowntree Foundation, non-white minority ethnic households are likely to be in socially rented housing at a rate of only two-thirds the rate of white households, and are much more likely to be in private rented housing, with a rate four-and-a-half times greater than that of white households (25% vs 5.6%). While students account for a portion of this, the issue of access to social housing is of significant concern. Private renting could be an indicator of potential deprivation and vulnerability, as housing problems are more likely in this tenure and many private tenancies are short-term and do not offer long-term security. Additionally, private rent is typically twice the level of social rent, and may not be fully covered by local housing allowances. Among Gypsy/Travellers in particular, there are higher rents and electricity charges on sites compared to costs in social housing, contributing to a significantly disadvantaged socio-economic status.^{xv}

Third sector campaigners in Scotland have argued that greater transparency is needed surrounding the distribution and quality of social housing, and that policies should be developed and implemented to change the low proportion of minority ethnic households in social housing.^{xvi} Many individuals in Scotland also live in communal establishments, such as medical or care establishments, education establishments, defence establishments, prison service establishments, and hostels and temporary shelters. The minority ethnic population had a greater rate of individuals in student accommodation and other communal housing (including sleeping rough), while being least represented in children's homes and defence establishments.^{xvii}

Recent data looks at homelessness between minority ethnic individuals with UK or EU nationality and asylum-seekers or refugees separately. In 2013/2014, there were 24,000 assessed cases of homelessness for those with UK or EU nationality. The proportion of white homeless is about 93%, compared to 96% of the overall population. The proportion of Asian homelessness is slightly less than the wider population, with 0.9% compared to 2% of Scotland as a whole. Of refugees or those seeking asylum, 11% described themselves as white, 14% as Asian, 21% as Black, and 47% as other.^{xviii}

Fear of racial harassment among minority ethnic communities hinders the integration of these communities, and impacts on the quality of life experienced within the home and neighbourhood. Fear and experience of racial harassment have a great impact on the housing decisions among asylum-seekers and refugees and other minority ethnic communities. In some cases, harassment drives individuals and families to other (often poorer quality) accommodation. Racist incidents in social housing remain under-reported due to unfamiliarity with the local authority and housing association's policies and procedures dealing with racial harassment.^{xix}

Health and Home

In 2012 the Scottish Government published "The Scottish Health Survey: Topic Report on Equality Groups" which examined annual Scottish Health Survey (SHS) data between 2008 and 2011. Those who reported their ethnic group as Pakistani were least likely to rate their health as good or very good (66%) although due to small sample sizes this was not significantly different from the national average of 76%. However, although it is not statistically significant, this does corroborate with other research which found that Pakistanis in Britain are less likely to report good health.

Chinese respondents were the most likely to rate their health as good or very good (91%) and this was significantly different from the national average. White British respondents had the lowest levels of wellbeing of all ethnic groups (mean WEMWBS score of 49.8). This was significantly lower than that the scores of white other (51.2), African, Caribbean or Black (53.7) and Asian other (53.5) ethnic groups.

Other ethnic groups (25%), Pakistani (23%) and African, Caribbean or Black groups (18%) had the highest proportion of respondents with high GHQ12 scores but none of these was significantly different from the Scottish average (15%). Chinese and Asian other ethnic groups had the lowest proportion of high GHQ12 scores (both 10%), again not dissimilar from the national average.^{xx}

In 2013 the University of Edinburgh reported that minority ethnic populations in Scotland received varying levels of support for their mental health. Their findings reported that South Asian and Chinese people in particular were often much later in entering mental health support services than other ethnicities. In most minority groups in the study those that went to hospital were significantly more likely to be treated under the Mental Health Act.

Researchers noted that difficulties in diagnosing and treating mental illness among minority groups at an early stage goes some way to explaining their findings. In general a lack of awareness of support services available and reluctance to seek medical help due to social stigma within minority groups also contributed.^{xxi}

In relation to higher risk behaviours such as smoking, drinking and drug taking the Scottish Household Survey found that there was a low uptake of these activities compared to the UK white population. It was

also found that respondents from Pakistani and Asian other ethnic groups were significantly less likely to smoke than the national average (prevalence of 13% and 9% respectively). African, Caribbean or Black respondents (19%) have also been identified as significantly less likely than to be drinking above daily limits than the national average.^{xxii}

There is limited data available on the ethnicity of those using drug support services therefore data analysis would not be meaningful. However in 2012 CRER's own research found that there was limited support available for minority ethnic groups who were trying to overcome a drug addiction. They found that the Glasgow South Community Addictions Team (CAT) was the only addiction service in Scotland that provides BME specific addiction services, available only to communities in Glasgow with 79 registered service users. The BME service users and their families reported high levels of satisfaction with the service, however many felt that more could be done to improve the interpretation service to assist with overcoming the language barriers.^{xxiii}

Participation and Representation

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.^{xxiv} 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 non-white 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.^{xxv} 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.^{xxvi} There has never been a female minority ethnic MSP.

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."

There is a concerning lack of diversity in the candidate pool for the upcoming 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.

Conclusions

CRER would like to acknowledge the areas of legislation in which the Scottish Government has shown a commitment to improve equality and reduce racial discrimination. The Race Equality Framework for Scotland 2016-2030 is a clear example that the Scottish Government has committed to implement a long term strategy to overcome racial discrimination. However, despite the legislative progress that the Scottish Government has made, for too many racial discrimination in education, employment and access to services is commonplace for those living in Scotland.

There is still a continued disconnect from the high level policy agenda and the everyday experiences of minority ethnic individuals living in Scotland. Institutional racism is demonstrable across many areas of policy and CRER would welcome a commitment from the Committee of Ministers to ensure that the Scottish Government's policies are fully implemented within even the hardest to reach of communities, and that all individuals receive full protection from the law.

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