

SNAP!

What does it mean for race equality?



CRER Seminar Report
Coalition for Racial Equality and Rights
Published: March 2013

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Introduction

This report aims to draw together information from the Coalition for Racial Equality and Rights (CRER) seminar ‘SNAP! What Does it Mean for Race Equality?’ This event on Scotland’s National Action Plan for Human Rights (SNAP) and its implications for race equality was held in February 2013 in co-operation with the Scottish Human Rights Commission (SHRC).

It is hoped that this seminar report provides an overview of the opinions put forward by members of black and minority ethnic communities and voluntary and public sector staff with expertise in race equality issues during the seminar. The report will be used by SHRC as part of its evidence base for the development of Scotland’s National Action Plan. It is hoped that it will also encourage engagement in the on-going consultations for the development of SNAP.

National Action Plans for Human Rights have been developed in over 30 states. United Nations High Commissioner for Human Rights, Navi Pillay, endorsed the Scottish process; “National Action Plans can bring clarity to states in identifying the steps they must take to improve the promotion and protection of human rights, especially for the most vulnerable people.” National Action Plans are evidence based, developed in an inclusive way and independently monitored. They set out realistic and practical ways to fill gaps, build on good practice and help countries to look outwards and move forward.

The aims of the ‘SNAP! What does it mean for race equality’ event were to:

- Discuss the reasoning and research conducted for the development of Scotland’s National Action Plan
- Explore issues around race equality and human rights for the development of the National Action Plan

The purpose of this report is not to provide a full account of the contributions made by speakers and delegates, although all contributions were valuable. Rather, the report seeks to outline the most pressing points arising from the seminar, highlighting priorities, evidence gaps and opportunities for change.

Copies of the report will be distributed to all attendees, to the Scottish Human Rights Commission and also made publicly available on the CRER website.

For more information on this report or the work of the Coalition for Racial Equality and Rights, or to request this report in an alternative format, please contact:

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Overview of Presentations

Overview on the development of Scotland's National Action Plan and research on *Getting it Right? Human Rights in Scotland* report

Diego Quiroz, Policy Officer, Scottish Human Rights Commission

Alison Hosie, Research Officer, Scottish Human Rights Commission

Diego provided background information on the significance of national action plans, in particular, in regards to its significance for the people of Scotland. Alison presented information on the research methodologies and findings of SHRC's report *Getting it Right? Human Rights in Scotland*, leading up to the development of SNAP.

Key points included:

- The Scottish Human Rights Commission as the national human rights institution for Scotland is leading the development of Scotland's National Action Plan for Human Rights
- Close engagement with experts, membership organisations, the public, private and voluntary sectors and the voices of the most vulnerable in our society is essential in creating a fully informed Action Plan
- *Getting it Right?* identified gaps and good practice for human rights in Scotland's legal, political, economic, social, technological and environmental contexts
- Eight broad areas of life were identified in *Getting it Right?*; dignity and care, health, where we live, education and work, private and family life, safety and security, living in detention, and access to justice and the right to an effective remedy
- Development of SNAP has been praised by United Nations High Commissioner for Human Rights, Navi Pillay, and Council of Europe Commissioner for Human Rights, Nils Muižnieks
- Other nations whose National Action Plans have potential learning implications for Scotland include New Zealand and Columbia
- Three types of human rights indicators can be distinguished to measure human rights enjoyment (i.e. the extent to which people benefit from their human rights in practice) and implementation;
 - Structural indicators
 - Process indicators
 - Outcome indicators
- Commitments to the development of SNAP need to be independently monitored



- A series of participation events focussed on all sectors and rights holders on priority gaps, good practices and actions are taking place over February – March 2013
- Written participation is possible through SHRC's website where two consultation questions are outlined. To participate in the written consultation process before the end of March [click here](#).

For the full report and executive summary of *Getting it Right? Human Rights in Scotland* please visit the Scottish Human Rights Commission's website at: <http://www.scottishhumanrights.com/actionplan/home>. For more information regarding research, findings and development of Scotland's National Action Plan please email: actionplan@scottishhumanrights.com.



SNAP! Implications for race equality in Scotland

Jennifer Glinski, Policy Officer, Coalition for Racial Equality and Rights

Jennifer provided an overview of four of the eight human rights themes presented in *Getting it Right* as they applied to the obstacles and achievements of race equality in Scotland. These four themes; health, education and employment, family and private life, safety and security, also formed the basis for group discussion during the event.

Key points included:

- Although human rights apply equally to majority and minority ethnic people, there are certain areas where repeated and severe discrimination occurs (health, education and employment, private and family life, safety and security), restricting minority ethnic communities and individuals' enjoyment of those rights.
- Knowledge of and access to healthcare facilities is limited, with individuals learning of healthcare options via word of mouth rather than through official means.
- Language barriers present a significant obstacle to the attainment of the right to health and other social services.
- Muslims are the most educationally disadvantaged religious group in the UK, with one third of working age Muslims having no formal educational qualifications; this has a race equality impact because the majority of Muslims in the UK are from a minority ethnic background.
- Scottish Gypsy/travellers have lowest educational performance compared to any other category of children/young people.
- There is a continued and consistently high unemployment rate among ethnic minorities and over-representation in low paid jobs.
- Common barriers for migrants and ethnic minorities in accessing employment in Scotland include: lack of access to training and development skills, lack of appropriately trained staff in job centres, language barriers, legal status and lack of recognition of overseas qualifications.
- Migrants with professional roles in their countries of origin meet significant obstacles in re-engaging professionally and end up in low paid, unskilled jobs.
- New and on-going research is needed for settled BME communities where a different set of barriers exist in gaining appropriate employment.
- Discrimination and intersectional issues in employment need to be further analysed; inherent prejudices, lack of appropriate childcare, lack of self-confidence and lack of understanding of religious practices by employers are some barriers identified in race equality research.
- Current domestic abuse responses have been criticised in their approach to minority ethnic groups. Intersectional aspects of discrimination (race, sexual orientation, age) are not given proper consideration.



- Knowledge and access to domestic abuse services is limited in many BME communities. Additionally, misinformation and stigma surround issues of domestic abuse in many BME communities.
- Immigration, deportation, detention, and funding of asylum seekers are all matters reserved to Westminster, however, Scotland's devolved powers are crucial for successful integration and well-being (health, housing, education, child protection, support services, etc.).
- Asylum-seeking children in Scotland are of particular concern, especially in regards to transitioning from asylum seeker to refugee and navigating the social housing system.
- Hate crime is now formally recognised in Scots law, however, public awareness and information on what defines a hate crime is lacking.
 - 8% rise in recorded cases of hate crime across Scotland (2011/12)
 - Religiously aggravated charges rose by 29%
- Violence and harassment are often regarded as part of everyday life and not worth reporting to authorities.
 - 60% of hate crime victims did not make a report to the police. They believed nothing could or would be done and it would make matters worse for the victim (Lothian & Borders Police Survey, 2010)



Question and answer / discussion sessions

A question and answer session was held after the presentation of all three speakers.

Some of the main points raised included:

- The importance of recognising indirect power of Scottish Parliament in regards to issues that are not devolved, i.e. asylum. Regardless of devolved or reserved powers, Scotland must look at all issues at hand and deal with them as it can.
- That human rights are enshrined in Scotland through the Human Rights Act and that issues must be articulated further.
- Ownership must be established above / beyond Government level to secure sustainable commitment for a National Action Plan over the long term - economic and political climates change rapidly and resources are at an all-time low, whilst the changes needed could take decades in some cases.
- Scotland already has a myriad of legislative and evaluative tools which public bodies must incorporate into their work. More needs to be done to map and streamline these, including SNAP and human rights compliance generally.
- Involving young people in the development of SNAP is vital; this must be done in a way that is genuinely representative.
- SHRC will endeavour to pass issues which are reserved on to the Scotland Office so that concerns raised through SNAP consultation are not lost.
- Development of SNAP needs to take into account the effectiveness of legal remedies.
- Peer review by the independent research advisory group will help to ensure transparency and quality of the work being done by SHRC.
- It should be remembered that legislation is in place to ensure that the Scottish Parliament cannot act in conflict with European human rights law.

The question and answer session was followed by a group discussion examining the four human rights themes outlined in the previous presentation (health, education and employment, family and private life, safety and security). Participants were asked to identify their two highest priorities in regards to each theme for race equality and human rights in Scotland. In addition to these themes, the dilution of emphasis on race equality through poor practice in areas such as mainstreaming and equality impact assessment was raised as an overarching issue. Bringing strands together through the Equality Act 2010 was intended to increase intersectional approaches but seems in many cases to have pushed race equality to the side.



Priorities raised by participants included:

Health

- Not enough awareness or research in the medical community on specific disease risks or frequencies that impact BME individuals (i.e. Sickle cell anaemia, diabetes)
- Overarching problem that remains is racism and discrimination in terms of status, access, and the physical and mental health impacts of discrimination on health over the long term
- More research and information needs to be available in regards to asylum law and mental health
- Disengagement between communities and authorities - capacity and support for communities to help determine health expenditure needs to be increased
- Equal and fair access needs to be available to all and across the board of services that are available
- Need for accurate, robust, evidence-based and proactive healthcare
- Role of 'champions' for groups often invisible in health services - including people who have been trafficked, child refugees, Gypsy/travellers
- Stigma of mental illness and particularly prejudices associated with people from some BME communities needs more consideration

Education and Employment

- More resources, services and support required to reach out directly to immigrants and other BME communities of all ages for capacity building, skills and English as a Second or Other Language (ESOL) provision
- Innovation in combining budgets - for example in community awareness and language training – to combat the impact of recession on provision of services critical to race equality
- Tackling under-employment
- More support for young BME communities at risk of under-achieving (eg. Bangladeshi)
- ESOL teaching must be more comprehensive
- Digital exclusion creates further barriers, increasing reliance on 'virtual world' in both education and employment
- Continued 'glass ceiling' / 'sticky floor' in both education and employment
- Potential impact of future BME community specific faith-based schools in Scotland
- "Times have never been great" for BME communities so recession and austerity will have deeper impacts



Private and Family Life

- Review of how 'private & family life' is interpreted informally by those working with BME communities is needed in regards to preventing criminal abuse
- More childcare facilities and more services in family support are required
- "Caring involves much more than beds and food"
- Larger families appear to be penalised (e.g. 'bedroom tax') which impacts race equality as some BME communities tend to have larger families or live with extended family
- Family values are very important to BME communities
 - Government tends to undermine these values due to lack of attention to BME life and conditions
 - Families should not need to conform to a particular model; the full diversity of family / household make up should be respected
- Continuing issues around immigration and asylum detention (Dungavel)
- Impact of family migration law, asylum status and 'sham marriage' investigations on non-EU spouses/couples
- Wider issues around family migration including deportation of fathers where father and child rights to family life are not considered
- Intrusion of welfare state – expectations and regulation around work, income, caring, household circumstances. Emphasis on assessing people out of welfare system rather than establishing eligibility.
- Negative impacts of welfare reform assessments / reassessments
- Protection from forced marriage
- Manipulation of public understanding of the right to family and private life by Government and media

Safety & Security

- Lack of access to information on how criminal justice / law works for BME communities
- Improvement of police services as well as housing services
- Isolation
- Discrimination, hate crime and fear of these prevent integration
- Poverty / destitution
- Poor housing conditions, especially in under regulated private sector housing
- Child sexual exploitation and trafficking particularly young women and girls
- Denial of due process (e.g. in asylum detention decisions - Dungavel); detention in immigration and asylum cases is a breach of human rights and in ethical terms is disproportionate compared to criminal sentencing
- Privacy concerns around the use of CCTV and the retention of material that is recorded
- Privacy concerns around DNA retention
- Detention / forced removal in immigration and asylum
- Balance of human rights for victims, ex-offenders and offenders



Summary

This joint seminar between the Coalition for Racial Equality and Rights and the Scottish Human Rights Commission revealed a variety of human rights issues that members from the black and minority ethnic community considered priorities in achieving race equality in Scotland. Due to time restrictions, only four of the eight themes in *Getting it Right* were discussed throughout the seminar; **health, education and employment, family and private life, safety and security**. Participants were given detailed information on how to further engage in the consultation process with SHRC to have their voices heard in the development of Scotland's National Action Plan for Human Rights.

Although a variety of issues were discussed and no hierarchy was given to any rights, there were some issues that stood out in participants' discussion.

- Health inequalities in the BME community. Starting with awareness of resources to lack of consideration in the health community for BME specific health problems (e.g. sickle cell anaemia).
- Access to and affordability of English language courses and training for personal and professional development.
- The "glass ceiling" in employment for BME communities. Employment has always been difficult for communities but the recession has added further complexities. Underemployment in BME communities is a consistent problem.
- Immigration law, especially on its impacts relating to family migration.
- Policies that appear to directly penalise BME communities with larger families (e.g. bedroom tax).
- Intrusion of welfare state – expectations and regulation around work, income, caring, household circumstances.
- Lack of clarity around the criminal justice system and sense of hopelessness for reporting incidents.
- Complex understanding of devolved powers and human rights, i.e. what can Scottish Government legally do over asylum issues?

Participants actively engaged in both speakers' presentations and during the discussion portion of the seminar. As a result of these consultations, SHRC is setting up a follow-up mechanism to engage further with participants to ensure that their voices are represented in the final report and to gauge development on issues that were brought forth.



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