Empowering Scotland's Ethnic and Cultural Minority Communities

BEMIS Scotland – 'Committee on the Elimination of Racial Discrimination –

90th Session (2-26 August 2016)

Bemis Scotland:

BEMIS is the national Ethnic Minorities led umbrella body supporting the development of the Ethnic Minorities Voluntary Sector in Scotland and the communities that this sector represents. Our vision is of a Scotland that is equal, inclusive and responsive: A society where:

- people from the diverse communities are valued, treated with dignity and respect,
- have equal citizenship, opportunities and equality of life,
- and who actively participate in civic society.

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ARTICLE 1:

BEMIS Scotland support the legal outline adopted by the CERD that discrimination is identified as;

"Racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin"[1]

This recognition reflects BEMIS position that ethnicity and identity are fluid multi-faceted descriptions which reflect evolving social understandings of self, community and nation.

This legal description of 'RACE' is reinforced by the Equality Act 2010 and the recently published 'Race Equality Framework for Scotland 2016 – 30'.

The demographics and social challenges relevant to Scotland demand that we are cognisant of Race Equality beyond a 'black/white' binary representation of social challenges.

Recommendation:

The Scottish Government and partners including EHRC should continue to show leadership in responding to the challenges of Scotland based upon the recognition and validity of Scotland's diverse communities and demographics.

Undoubtedly colour based discrimination continues to be a factor in stifling our social, economic and cultural potential.

However we must guard against consuming communities into binary black/white positions.

Significant evidence exists to suggest Scotland's largest ethnic minority communities historically and currently face continued challenges in relation to CERD's definition of 'Racial Discrimination'. This includes Gypsy Traveller, Irish Traveller, Polish and Irish communities. Inability to provide equal recognition risks perpetuating disadvantage and undermining treaties clear legal recommendations.

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[1] http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx

ARTICLE 2 + 3:

Since the Scottish Parliamentary elections of 2011 the nation has encountered a significant upsurge of articulation in relation to our constitutional future, policy direction and place in the International community.

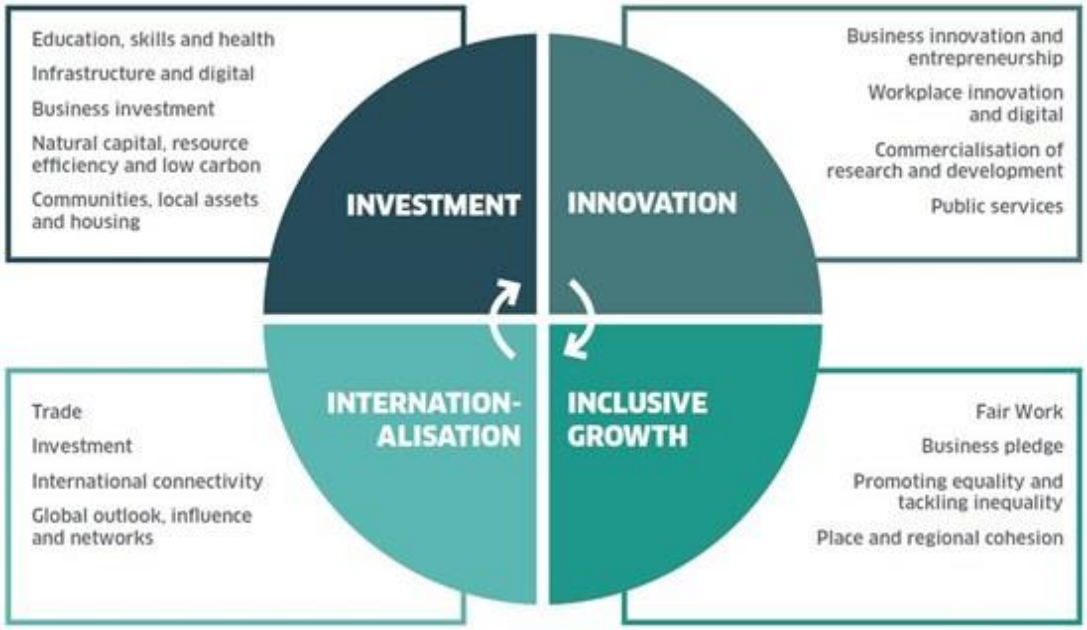
In 2011 the Scottish National Party won a parliamentary majority based in part to seek a mandate to progress a referendum on Scottish Independence.

This mandate fundamentally changed the political, policy and social environment of Scotland. Within the intervening period 2011 – 16 we had a 5 year 'gap' between the Race Equality Statement 2008 – 11 and the Race Equality Framework for Scotland 2016-30.

The Race Equality Framework for Scotland 2016 – 30 represents a centralisation of significant work carried out by the Scottish Government and partners prior to and during the intervening years of 2011 – 16.

On the 14th December 2011 the newly elected majority Scottish Government headed by then First Minister Alex Salmond launched the 'National Performance Framework for Scotland'.

14th December 2011 – 'An Equitable Business Plan for Scotland'



[2]

From a BEMIS Scotland perspective this framework allied alongside continual dialogue around the development of the Race Equality statement (framework) and commitment from Scottish Government with key equalities partners reflected a continued objective to progressing Race Equality issues in Scotland.

Scottish Government measures included but were not restricted too;

- Maintenance of key equalities budgets
- Continuation of guiding principles of 2008-11 Race Statement
- Specific Scottish approach to 'New Scots: Integrating Refugees to Scotland's Communities'
- Commonwealth Games 'Hate Crime' campaign
- One Scotland Campaign epitomised via NPF 'To create an Inclusive National Identity' reflected in celebration of diversity via BEMIS / SG themed years work
- Rigorous minority engagement around Scottish Independence Referendum
- Development of Race Equality Framework 2016 – 30

[2] http://www.gov.scot/About/Performance/scotPerforms/purpose

National Performance Indicator	BEMIS response ‘Example’	Supported by
‘We realise our full economic potential with more and better employment opportunities for our people’	a) Equality Internships programme b) Modern Apprenticeships Programme c) Employability fund – various	a) Scottish Government b) Skills Development Scotland c) SCVO d) GCVS
‘Our young people are successful learners, confident individuals, effective contributors and responsible citizens’	a) Gathered Together Programme 2012 – 16 – Ensuring Ethnic Minority Parental Participation in academic development	a) Big Lottery b) SPTC
‘We have tackled the significant inequalities in Scottish society’	a) Ethnic Minority women and Fair employment	a) Scottish Government b) Scottish Refugee Council c) Scottish Trade Union Council
‘We have strong, resilient and supportive communities where people take responsibility for their	a) Capacity development support to increase democratic, active participation via	a) Scottish Government

own actions and how they affect others'	human rights education.	
'We take pride in a strong, fair and inclusive national identity'	a) Themed Years 'Multicultural Homecoming 2014' – Year of Food and Drink 2015/	a) Scottish Government
'Our public services are high quality, continually improving, efficient and responsive to local people's needs'	a) Continued research and dialogue into implementation and obligations in relation to PSED, community engagement and empowerment.	a) Scottish Government

Recommendation:

The Scottish Government and key partners should consolidate and progress the recommendations inherent in the Race Equality Framework for Scotland 2016 – 30. The Scottish Governments approach to integration predicated via celebrating diversity is a model which should be championed across the UK and constituent signatories to the Convention on the Elimination of Racial Discrimination. The Race Equality Framework provides a fresh staging post to build on the work progressed to date by the Scottish Government and partners.

While we should be vigilant to changing circumstances the increase in democratic, participative, active citizenship during the intervening years of Race Statement 2011 and Race Framework 2016 presented an opportunity to progress a multi-dimensional approach to Race Equality that has been reflected in both action and rhetoric by the Scottish Government.

ARTICLES 4 + 5:

Scotland should be vigilant to any increase in far right extremism and group focused enmity in response to international events and media discourse.

Ethno / religious identities in Scotland are complex and multi-faceted shaped in modern history by immigration over a 150 – 200 year period.

Communities traditionally vulnerable to far right groups focus of prejudice, bigotry and racism for example; Irish/Catholic – Muslim/South Asian – Jewish / Various (Including Israel) continue to be highly represented in annual hate crime statistics.

Analysis of data available 2010 - 16 indicates trends which require continual vigilance. In relation to both international UNCERD and domestic Equality Act (2010) we must be cognisant of the intersectionality between faith as a characteristic of ethnicity and the conflation of faith as a conduit to ethnic, racial prejudice.

Religiously Aggravated Hate Crime Charges – 2015/16

	number of charges 2015-16	number of charges 2014-15	size of community (2011 census)	charges per 10,000 members (2015-16)	charges per 10,000 members (2014-15)	% change
Total	**631**	614	5,295,403	**1.19**	1.16	**+2.8%**
Protestant (CoS)	**141**	145	1,717,871	**0.82**	0.84	**– 2.8%**
Roman Catholic	**328**	299	841,053	**3.90**	3.56	**+ 9.7%**
Islam	**134**	71	76,737	**17.46**	9.25	**+ 89.0%**
Judaism	**18**	25	5,887	**30.58**	42.47	

[3] http://www.scojec.org/news/2016/16vi_hate_crime.html

Table 8A: Ethnic group of victims/complainers[1] of racist incidents, Scotland, 2004-05 to 2013-14

Number

Ethnic Group[2,3]	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14
White British	826	1,030	983	1,030	1,095	1,158	1,048	1,295	1,139	1,423
White Irish	63	91	139	121	124	87	131	95	75	70
Gypsy/Traveller, Polish White and Other White	130	122	414	477	509	534	546	700	706	663
Mixed	127	149	170	152	150	129	248	151	173	153
Pakistani	1,773	1,545	1,833	1,654	1,584	1,458	1,376	1,357	1,155	1,107
Indian	443	431	507	488	609	557	536	486	367	340
Bangladeshi	67	26	67	48	54	62	95	57	43	41
Chinese	151	153	183	117	152	127	110	153	84	95
Other Asian	508	984	532	559	505	497	503	520	395	405
African	321	325	404	443	478	505	416	539	476	452
Caribbean	92	171	59	53	59	46	46	35	24	88
Other Black	118	68	111	181	160	115	249	174	140	147
Other	295	379	339	290	290	323	335	327	227	246
Unknown	145	346	222	177	226	185	267	422	308	396
Total	**5,059**	**5,820**	**5,963**	**5,790**	**5,995**	**5,783**	**5,906**	**6,311**	**5,312**	**5,626**

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Variable	BEMIS Recommendation
Race Crime stats 2015/16: **'Racial crime remains the most commonly reported hate crime with 3,712 charges reported in 2015-16, a decrease**	Scotland must be vigilant in relation to any increase in far right extremism or group focussed enmity.

[4] http://www.gov.scot/Publications/2015/11/7911/downloads

on last year and the lowest number reported since 2003-04'[5].	While the nature of organisations which harbour extremist prejudiced views are 'usually' transparent via self-publicity on social media or public demo's these incidents represent the 'tip of the iceberg' in relation to prevailing race hate crime. Race hate crime is a national issue with the majority of reported cases haven taken place in our major cities. Reflective of the UNCERD definition of 'Racial Discrimination' concerns persist in relation to all of Scotland's minority communities. Acute concerns exist as to the voracity and tendency of racially motivated incidents involving as witness or victim Scotland's Pakistani Community. 20% of recorded incidents in 2014/15. Similarly there has been a significant increase in incidents recorded involving 'Gypsy Traveller / Polish / Other White' 2.5% in 03/04 and 11% in 14/15. This in part may be due to an increase in A2 and A8 country migration to Scotland in the intervening years. Key stakeholders in Scotland should continue to adopt a robust approach to challenging Race Hate crime. This should include a multi-dimensional approach seeking redress via the courts, developing positive relationships with Police Scotland and enhancing programmes and opportunities which enable Scotland's communities to celebrate their diverse cultural characteristics as part of Scotland's national identity. In addition it would be helpful in mapping the nature of race hate crime in Scotland if figures were disaggregated separately for victim / complainer.
Anti – Catholic hate crime;	Due to the nature and prevalence of anti-Catholic hate crime being maintained at over 50% of all 'religiously' aggravated crime over 5 years institutions, organisations must refer to the

[5] http://news.scotland.gov.uk/News/Tackling-hate-crime-255c.aspx

• **2010/11 = 57.7%** • **2011/12 = 58.1%** • **2012/13 = 56.5%** • **2013/14 = 63.0%[6]** • **2015/16 = 50.1%[7]**	nature of the incident independent of generic terms such as 'sectarianism'. This should also be true of 'Anti-Protestant' hate crime 24% of all cases in 2015/16. The prevalence in Scotland to conflate 'catholic' and 'Irish' and to prosecute ethnic / racial prejudice as religious aggravation reinforces ignorance and miss-represents the nature of issue. The Scottish Government must continue dialogue with both the lay Catholic community and Irish cultural organisations to increase understanding of this intersectionality. * please note that BEMIS consultation with community organisations indicates that significant concerns prevail in relation to the 'Offensive Behaviour at Football and Threatening Communications Act (Scotland) 2012' as appropriate or equitable legislation to tackle the prevailing social problem of either anti-Catholicism or Anti-Irish racism.[8] Furthermore concern persists within the Irish minority community that implementation of section 1 of the Act covering 'Offensiveness' poses problems of both proportionality and subjectivity.
Increase In Islamophobia • **The number of charges where Islam was noted has almost doubled, from the 71 charges in 2014-15, to 134 charges in 2015-16[9]**	Significant increase in Islamophobic incidents has been attributed in part to international terrorist incidents. Physical assault in Islamophobic incidents constitute 22% of all incidents. This is significantly higher than the 8% average across all religiously aggravated hate crime.[10] The Scottish Government and partners, including both Muslim religious, community and cultural representatives should continue to collaborate within the parameters of developing and embodying 'Scotland's Living Traditions' to create an 'Inclusive National Identity'.

[6] http://www.gov.scot/Publications/2015/05/5191/4
[7] http://news.scotland.gov.uk/News/Tackling-hate-crime-255c.aspx
[8] http://www.thenational.scot/comment/danny-boyle-if-we-want-to-deal-with-sectarianism-we-must-begin-by-repealing-the-offensive-behaviour-act.17837
[9] http://news.scotland.gov.uk/News/Tackling-hate-crime-255c.aspx
[10] http://www.scojec.org/news/2016/16vi_hate_crime.html

	This should constitute a multi-dimensional policy response, encouraging hate crime reporting, seeking re-dress via the courts and additionally ensuring inclusive, positive platforms for the community to showcase their cultural characteristics as part of Scotland's story. Past, present and future. For example this can be achieved in part via participation predicated in celebrating diversity in national programmes such as the themed year's celebrations and at appropriate mutual cultural dates. IE. Eid, Ramadan, St.Andrew's Day, Burns Day etc… *(*See also education – National Schools Diversity Day Celebration 'We are Scotland'*)*
Anti – Semitism	The Scottish Council for Jewish Communities have outlined concerns in relation to the increase of anti-Semitic incidents between 2013 – 16[11]. In 2015/16 physical assault accounted for 11% of anti-Semitic hate crimes, slightly above the national average of 8%. Parallel to the Muslim community the Scottish Government and partners should continue to collaborate with ScoJec and others to ensure that Scotland's Jewish community are celebrated as part of Scotland's past, present and future alongside, where appropriate seeking re-dress via the courts for hate crime incidents.

[11] http://www.scojec.org/news/2014/14viii_antisemitism/antisemitism.html

Economic, Social and Cultural Rights;

These basic fundamental social, economic, democratic and cultural objectives can be enhanced by embedding social, economic and cultural rights into our decision making processes.

Our ability to fulfil our potential as diverse active communities and citizens is undermined significantly for those across all ethnicities who reside in socio and economic disadvantage.

Recommendation: **The Scottish Government should commence Section 1 of the Equality Act covering the Socio and Economic Equality Duty[12] when it has the new powers to do so.** This would cover in the first instance areas of devolved governance including but not reserved too Education, Health, National Infrastructure Projects and Procurement.

CERD + ESCR

- Education
- Employment
- Health / Mental Health
- Social Security

EDUCATION:

According to the 2011 Census, 7% of people over 3 year's old living in Scotland use language other than English at home. In some local authority areas the numbers are considerably higher – 13% for both City of Edinburgh and Glasgow City, 15% for Aberdeen City, 20% for Shetland Islands and 47% for Eilean Siar.

The Pupil Census Supplementary Data for 2014 published by the Scottish Government in February 2015 revealed that the children in Scottish publically funded schools speak between them 139 languages, the top five being Polish (11,582), Urdu (5,400), Gaelic (4,610), Punjabi (4,105) and Arabic (2,374).

[12] http://bemis.org.uk/wp/wp-content/uploads/2013/10/bemis-smith-commission.pdf

Curriculum for Excellence affords us the opportunity to create, develop and implement unique and equitable responses to the needs of diverse school communities drawing on the expertise of community organisations in the provision of language needs and other cultural characteristics.

Language is a key cultural characteristic and an important variable in both a cultural and educational setting for celebrating cultural diversity and promoting active citizenship. Language provision as a conduit for raising attainment and fostering a sense of belonging and engagement in Scotland has been identified by members and via work programmes as a crucial dynamic in progressing the educational attainment agenda.

For bilingual speakers and EAL learners a solid foundation in their heritage language, as research all over the world shows, is vital to effective acquisition of the language of the host country.

It supports cognitive development, development of literacy skills, attainment and affects positively the speakers' self-esteem and emotional development.

Recommendation: Community languages should be supported within the education system with the specific purpose of developing them in all four skills (speaking, listening, reading and writing) as heritage languages and shouldn't be treated just as an interesting addition to the suite of languages offered as L3 within the "1+2 strategy" (cf. also the 486/EEC Directive of 1977*).

Recommendation: The availability of national qualifications, at least for the most numerous community languages in Scotland, would be desirable. The qualifications are available for Urdu but not for Polish or any other of the main community languages.

Scotland is a truly multilingual and multicultural country. This variety is often considered to be a challenge but it is also a fantastic resource and part of Scotland's common heritage. When trying to lay down the route to the integration for the people of Scotland we should consider both perspectives.

The cultural diversity of Scotland's communities are reflected in vibrant settings across cultural characteristics such as but not reserved to language, music, song, dance, religious and expressions of intangible cultural heritage. Curriculum for excellence provides the opportunity to broaden recognition of pupil's achievements both within and out with schools.

Recommendation: There is no uniformed example of extracurricular achievement. For diverse communities there will be diverse examples of success. However, with greater collaboration between cultural (including religious), sporting and community

organisations and schools the identification and celebration of such achievements can be enhanced. Curriculum for excellence should champion and encourage the engagement of the broader cultural community in highlighting the achievements of individuals and communities. Some of this good practice already exists in schools, particularly those with a higher ethnic and cultural diversity however **a national 'Multicultural celebratory day'[13] within the schools calendar could provide an opportunity to develop relationships, challenge stereotypes, foster understanding, embody an inclusive national identity and celebrate the wider school communities achievements .**

Identity Based Bullying:

The monitoring of bullying is far from being satisfactory as the surveys usually focus on comparison of bullying experienced by particular ethnic groups but do not ask directly about racist bullying i.e. bullying based on skin colour, ethnicity, culture, faith community, national origin or national status (20).

Recommendation: Schools should specifically refer to bullying related to race or ethnicity. Students from differing racial and ethnic backgrounds should have access to at least one adult who is fluent in the student's language and familiar with his/her culture of origin. Yet, at the moment, although as much as 95% of local authorities recommend reporting of race and ethnicity incidents that take place in schools (42% recommended reporting of disability bullying, 26 per cent for gender identity), almost one half of LAs do not monitor whether schools are meeting them. The finding that the majority of LAs have no evidence for the prevalence of most forms of identity-based bullying is particularly worrying (18).

Employment

Recommendation: The Scottish Government should continue to lead in supporting the payment of the **Scottish Living Wage** across all sectors **in which it has influence**. For example 'The Agricultural Sector' where pay is administered by the 'Agricultural Wages Board'. While the board is an Independent body with statutory authority Scottish Ministers appoint 4 independent commissioners to sit alongside representatives from Farmers unions and Trade Unions. We know this sector employs significant numbers of Polish citizens and others who reside disproportionally in Poverty despite being the most economically active.

[13] http://bemis.org.uk/wp/wp-content/uploads/2014/11/Multicultural-Homecoming-Summary-Document.pdf

Recommendation: **The Modern Apprenticeship Programme** should continue to receive focus in relation to equalities objectives. Continual and potentially broadened strategic intervention across both marketing leading to successful applicants and integration to the world of work must be analysed over a 3-5 year period.

Recommendation: **While stagnation in local authority recruitment accompanies budget restrictions and re-organisation national infrastructure projects and procurement such as Housing provision and potential forthcoming development of 50,000 new homes[14] should be subject to an EQIA** within all facets of their development to maximise potential in both location, allocation, sustainability and procurement. Companies with accessible and transparent evidence of equalities training, representative workforce targets and commitment to positive action in apprenticeships targets and employment should form part of the tendering process. Green, clean, affordable and representative fulfilling our obligations to progressing economic, social and cultural rights in public life and decision making.

Health:

Complex variations exist across health characteristics, ethnic and religious groups. Levels of health inequalities persist across all ethnic groups particularly acute in White British, Pakistani, Muslim and Roman Catholic communities[15].

This in part may be due to the socio and economic circumstances of Muslim and Roman Catholic communities both of whom reside above the national average of communities living in the most acute poverty deciles. The Scottish average being 15% yet 23% for Catholics and 18% for Muslims respectively[16].

Some communities are susceptible to specific health issues IE. Diabetes and Pakistani community, Hemochromatosis / Alcohol related death / Irish Community and there is an urgent need to address health inequalities for people of Asian or African-Caribbean descent who are three to four times more likely than White British people to develop end-stage renal failure and need a kidney transplant. Data shows that such people make up 23% of the kidney waiting list, whilst representing only 8% of the population.

Only 3% of deceased donors are of Asian or African-Caribbean descent.

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[14] http://www.independent.co.uk/news/uk/politics/nicola-sturgeon-pledges-to-build-50000-affordable-homes-in-next-parliament-a6695101.html
[15] http://www.gov.scot/Resource/0040/00406749.pdf
[16] http://www.gov.scot/Topics/People/Equality/Equalities/DataGrid/Religion/RelPov

Recommendation: Key stakeholders must continue to evolve strategies, research and intelligence on key challenges for diverse Scottish communities. A Scottish national health analysis via ethnicity lens and accompanying response projection for future mitigation would benefit and centralise responses to developing ethnicity based health issues.

Mental Health:

The Mental Health Strategy for Scotland 2012-15 outlined 36 commitments and objectives in relation to increasing capacity to deal with Scotland's Mental Health challenges. In addition in 2013 NHS Health Scotland published: *Scotland's mental health: Children & young people 2013*. Edinburgh: NHS Health Scotland. However the only equalities analysis is available via 'Gender' and 'Age'.

Recommendation: Key stakeholders should analyse mental health research also via an ethnicity lens. Anecdotal evidence exists of prevailing and challenging mental health issues for diverse ethnic and cultural minority communities. This is more acute for Scotland's increasing refugee communities, those escaping war or persecution and those most vulnerable to both socio/economic disadvantage and Race Hate Crime. Further ethnicity focussed data is necessary to map trends, challenges and responses for Scotland's diverse communities.

Social Security:

The Scottish Government should consider as a priority the potential inherent in the devolution of further social security powers[17] particularly via the prism of our objective to embed socio/economic and cultural rights in decision making.

Example: The Nepalese Community in Aberdeen have identified 'no recourse to public funds' as a primary variable in their mitigation of community susceptibility to in work poverty. This is despite many being in full-time employment. They have identified that access to 'Child Tax Credits' to those most vulnerable would have a significantly beneficial impact. With the ability to 'create new benefits' and under our obligations under the 'United Nations Charter on the Rights of the Child' we should give serious consideration to those who currently reside in this immigration 'grey area' to ensure that all of the Children of Scotland have an equal chance in life at the earliest stage.

[17] http://news.scotland.gov.uk/News/Scotland-s-social-security-principles-208c.aspx