

ALTERNATIVE REPORT ON
RACIAL INEQUALITY
IN SCOTLAND
FOR THE 113TH SESSION

Submission to the United Nations Committee
on the Elimination of Racial Discrimination
(CERD) on the United Kingdom's 24th to 26th
periodic reports

July 2024



CRER
coalition for racial
equality and rights

Who We Are

The Coalition for Racial Equality and Rights (CRER) is a Scottish anti-racism charity based in Glasgow. We are focused on working to eliminate racial discrimination and harassment and promote racial justice across Scotland.

Our key mission is to:

- Protect, enhance and promote the rights of Black and minority ethnic communities across all areas of life in Scotland; and to,
- Strengthen the social, economic, and political capital of minority ethnic communities, especially those at greatest risk of disadvantage.

CRER takes a rights-based approach, promoting relevant international, regional, and national human rights and equality conventions and legislation.

This alternative report is CRER's submission to the Committee on the Elimination of Racial Discrimination (the Committee) for its 113th Session to consider the combined 24th-26th periodic reports by the United Kingdom of Great Britain and Northern Ireland (UK).

The research included in our report has been gathered from national data, studies completed by CRER and other NGOs in Scotland. We would particularly like to thank the race equality groups across Scotland who contributed to this report.

This submission forms part of a wider UK NGOs alternative report coordinated alongside the Runnymede Trust, Race Equality First and the Northern Ireland Council for Racial Equality. CRER fully endorses the content of the Joint UK NGOs alternative report, and in this submission, we will examine only the areas of devolved policy that apply Black and minority ethnic (BME) groups living across Scotland.

For more information on this report or the wider work of CRER, or to request this report in an alternative format, please contact:

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Contents

Who We Are	0
Devolution	2
Article 2	3
Article 4	6
Article 5	8
Data.....	8
Education	9
Higher and Further Education	11
Employment	12
Housing	13
Health.....	14
Mental Health.....	17
Poverty	18
Policing & Access to Justice	19
Political Participation	21
Roma and Gypsy/Traveller communities.....	22
Refugees and Asylum Seekers	22
Article 6	24
Conclusion.....	25
Appendix.....	26
References	27

Devolution

The Scottish Government is one of the most powerful devolved administrations in the world, with full responsibility for functions and powers of government within Scotland as far as they extend to devolved matters. These issues include health, education, local government, housing, justice and policing.

The Committee acknowledged the complex structure of the United Kingdom in its 2016 review of the UK State Party and reiterated that the UK has the duty to ensure that the provisions of the Convention are implemented effectively in all territories it is responsible for – including Scotland.

While the 2023 UK State Report includes updates from its devolved nations, the report itself is significantly shorter than previous years despite an eight-year gap since the previous CERD hearing.

Therefore, CRER remains concerned that there may be insufficient distinction between the work and responsibilities of the UK and devolved administrations, both in the reports of the State party and in the consideration given to devolved issues by the Committee. Concluding observations must continue to ask the specific governments of the corresponding administration to follow up on their actions.

We would also note that as in previous reporting rounds, Scottish Government also did not consult Black and minority ethnic groups, race equality groups or National Human Rights Institutions in their update of the UK State Report.¹

All areas of devolved policy for all administrations should continue to be included in the UK State reports. Failure to do so would hide gaps in legislation and practice, undermining the quality of information offered to the Committee.

Article 2

The Scottish Government published its [Race Equality Framework for Scotland 2016-2030](#) in collaboration with race equality organisations who coordinated engagement and feedback from hundreds of minority ethnic individuals, community representatives, stakeholders, and practitioners. The Framework highlights issues surrounding community cohesion, community safety and justice, participation and representation in public life, education, employment, income, health, housing, and family life.

The Framework worked alongside an action plan in 2017-2021 ([A Fairer Scotland for All](#)) and also in 2021-2023 (the [Immediate Priorities Plan](#)). However, as of May 2023, there is no government-wide Race Equality Action Plan in Scotland and little ongoing mention of the Framework.

Scottish Government must commit to an action plan that follows up on the goals of the Framework. These actions must then be monitored, reviewed and consulted upon with stakeholders where relevant. Without measurable actions to hold bodies accountable, current policies which tackle racial discrimination will have no real drive.

Recommendation: The Scottish Government must commit to the progression of the Race Equality Framework by providing measurable interim goals and resources through a comprehensive action plan. This should be carried out in consultation with equality stakeholders to identify the key issues facing BME groups in Scotland.

The [Public Sector Equality Duty](#) (PSED), enacted in Section 149 of the [Equality Act 2010](#), is supported by the Scottish Specific Equality Duties, which require public authorities to, for example, report on mainstreaming the equality duty, publish equality outcomes and report progress, assess and review policies and practices, gather and use employee information, and publish equal pay statements.²

The specific duties have been under review in Scotland, with public consultation running until April 2022. Analysis showed that the responses from equalities groups were not accurately reflected in the consultation analysis partly due to the higher proportion of responses from public bodies.³ It is deeply concerning that the opinions of equalities groups are not prioritised by Scottish Government as they are better informed of how PSED has failed marginalised groups and are better equipped to provide advice on actionable change.

PSED has failed to reach its potential due to low-quality compliance and lack of enforcement on public sector bodies. An Equality and Human Rights Commission report into the effectiveness of PSED in Scotland showed that there was 'limited evidence of change for people with protected characteristics'.⁴ While public authorities may publish information, it is often not detailed, and many organisations neglect to

publish all the required information and take little – if any – action to “use” the information gathered to combat inequality.

Scottish Government aims to implement two key prioritised regulatory changes in 2025: revising pay gap reporting to include ethnicity and disability pay gap information and introducing a new duty on public bodies to use inclusive communication.⁵ However, these changes are simply not enough to create the much-needed reform for PSED or address the major issues highlighted by equalities groups in Scotland.

Recommendation: PSED reforms should be evidenced-based and rights-based, committing to making effective change which would allow those with protected characteristics to hold organisations accountable. Scottish Government should adopt a fully collaborative process and work with equality stakeholders in drafting revisions, as laid out in their common concerns.⁶

The lack of confidence in the PSED review has also led to apprehension around the proposed Human Rights Bill, which finished public consultation in October 2023.⁷ The proposal from Scottish Government would mean that ICERD would be incorporated into Scottish law alongside other UN conventions, such as:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- The Convention on the Rights of Persons with Disabilities (CRPD)

However, under current proposals, not all conventions in the Bill, including ICERD, will move to a duty to comply, instead opting for a procedural duty. A procedural duty can be seen as a method to navigate the complexities of Scotland’s devolution settlement which makes a legal basis for creating devolved legislation on equality potentially difficult to establish. Keeping procedural duty for some of the treaties and not all could create a hierarchy of rights within the Bill. This would lead to a failure to uphold ICERD in an effective way.

Notwithstanding the aforementioned difficulties in creating devolved legislation on equality, the incorporation of ICERD would be welcome if it were to be enshrined in the same way as ICESCR and upheld through robust advocacy and enforcement measures for further accountability. Such provisions would require strong monitoring and reporting. However, poor compliance with existing duties under PSED calls into question whether this would be realistically achievable.

People must understand the context and content of ICERD before it can be implemented. Even in cases of misapplication of equality law today, many people with protected characteristics are not able to take action against it due to a lack of knowledge and/or resources required to enforce their rights.

Thus, we fear the incorporation of ICERD in the Human Rights Bill will be rendered symbolic if it passes into Scottish law rather than making any meaningful change to the lives of minority ethnic communities in Scotland.

Recommendation: Scottish Government should reconsider the incorporation of ICERD in the proposed Human Rights Bill in Scotland as current proposals do not differentiate it from other equality legislation and will make no meaningful change for BME people in Scotland.

Scottish Government hopes to create an [Anti-Racist Observatory for Scotland \(AROS\)](#) 'to hold the Scottish Government and other public sector bodies to account for their commitment to anti-racism' as part of the recommendations.⁸ However, this raises potential concerns, as funding would go towards the creation of a new oversight body rather than supporting much-needed changes in, for example, data gaps regarding ethnicity.

It is becoming a trend for Scottish Government to set out initiatives with ambitious aims that respond to the public's needs but do not effectively change anything. For any initiative to be feasible, the aim must be clear, and its steps must be consulted on by stakeholders.

Recommendation: Scottish Government should provide further clarity surrounding the establishment of AROS so that the amount of time and resources spent on its establishment is justified, especially while outstanding goals from the Framework still require further work.

Many legal matters affecting refugees and asylum seekers are reserved matters of the UK Government, meaning that the Scottish Government does not have power to address inequalities caused by the UK asylum system. This includes and is not limited to the Safety of Rwanda (Asylum and Immigration) Act 2024 and the Illegal Migration Act 2023. CRER fully supports the calls in the Joint UK NGO alternative report on issues impacting refugees and asylum seekers.

Article 4

Racially motivated crime remains the most commonly reported hate crime in Scotland. 3,392 racial charges were reported to the Procurator Fiscal in 2023-24, the highest figure since 2015-16.⁹

Figure 1: Racial charges reported in Scotland, 2003-04 to 2023-24

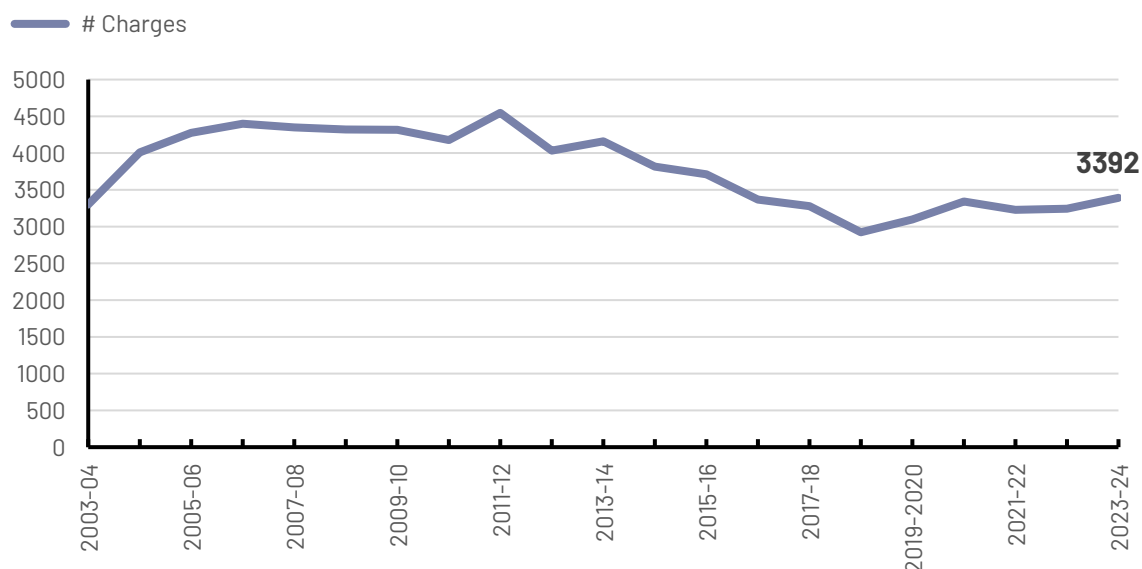


Chart: Coalition for Racial Equality and Rights (CRER) • Source: Crown Office & Procurator Fiscal Service (COPFS), [Hate Crime in Scotland, 2023-24](#)

According to the Crown Office & Procurator Fiscal Service, 70% of these offences were related to charges of threatening or abusive behaviour under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.¹⁰

There was a spike in hate crimes against East and Southeast Asians in Scotland when COVID-19 began to spread in the UK.¹¹

In April 2024, Scottish Government implemented the [Hate Crime and Public Order \(Scotland\) 2021 Act](#), extending certain aspects of hate crime legislation to create greater parity between race and other existing hate crime characteristics, such as disability, religion and sexual orientation. It also extends hate crime protection to two new grounds: age and variations in sex. This was created in response to Lord Bracadale's [Independent Review of Hate Crime Law](#) in 2021. To support the legislation, the [Hate Crime Strategy and Delivery Plan](#) was launched in 2023.

The rise of far-right groups continues to be a growing issue in Scotland, with the first Active Club in the UK launching publicly in 2023.¹² Addressing online hate speech has also been difficult despite the Committee's 2016 concluding observations to take effective measures against it.¹³ Legislation has not been enough to stop the increase of incitement of hatred in Scotland.

Racial hate crime remains underreported, likely due to a lack of trust in the police and justice system, confusion surrounding the reporting process and victims feeling desensitised to harassment. The role of the police is vital in hate crime prevention.

The lack of confidence that certain ethnic groups have towards relationships between the police and their community is indicative of the ineffectiveness of hate crime legislation.

Only by improving relations across communities will we see a real reduction in the number of hate crimes occurring. A greater focus is required on the prevention of hate crime and the building of community cohesion, both of which are not as prominently featured in the Hate Crime Strategy and Delivery Plan as they could be.

One way to do this could be the Scottish Government amending the [Community Empowerment Act](#) to require local Community Planning Partnerships to act with a view to promoting community cohesion.

Recommendation: Scottish Government should amend the Community Empowerment (Scotland) Act 2015 to require Community Planning Partnerships to act with a view to promoting community cohesion and ensure the recording of hate crime include higher level of details in relation to protected characteristics so that trends may be monitored.

Article 5

Data

In its 2016 concluding observations, the Committee recommended that Scotland ‘systematically collect and publish disaggregated data on the enjoyments of rights by members of ethnic minorities in all fields of life’ and to ‘include such information in its next periodic report’.¹⁴ However, it is evident that there is no such effort in the 2023 UK State Party Report.

Disaggregated data availability remains absent from many areas of Scottish life, including in legal aid, health and education, despite the Scottish Government designing the [Equality Evidence Finder](#) and committing to the [Equality Evidence Strategy 2023-2025](#) to address the data challenges.

It is concerning that in some instances ‘minority ethnic’ as a category continues to include white minorities, which skews data for the racialised minority ethnic groups.

In addition, BME groups should not be treated as monolithic. If data is not fully disaggregated, Scottish Government risks completely misunderstanding the needs of specific communities and not addressing urgent issues in policies, such as poverty.

Issues with data collection were exacerbated by the COVID-19 pandemic, which delayed many initiatives and surveys – including the 2021 Census. Without getting a full picture of how minority ethnic communities live in Scotland, targeted policies will be ineffective. The Scottish Census was carried out in 2022 and is now out of step with the rest of the UK.

Recent ethnicity data released from the Census illustrated the rapid growth of Black/minority ethnic groups in Scotland. Therefore, comprehensive data analysis needs to be at the heart of any race equality action in Scotland.

Figure 2: Scotland's population, by broad ethnicity category (2011 - 2022)

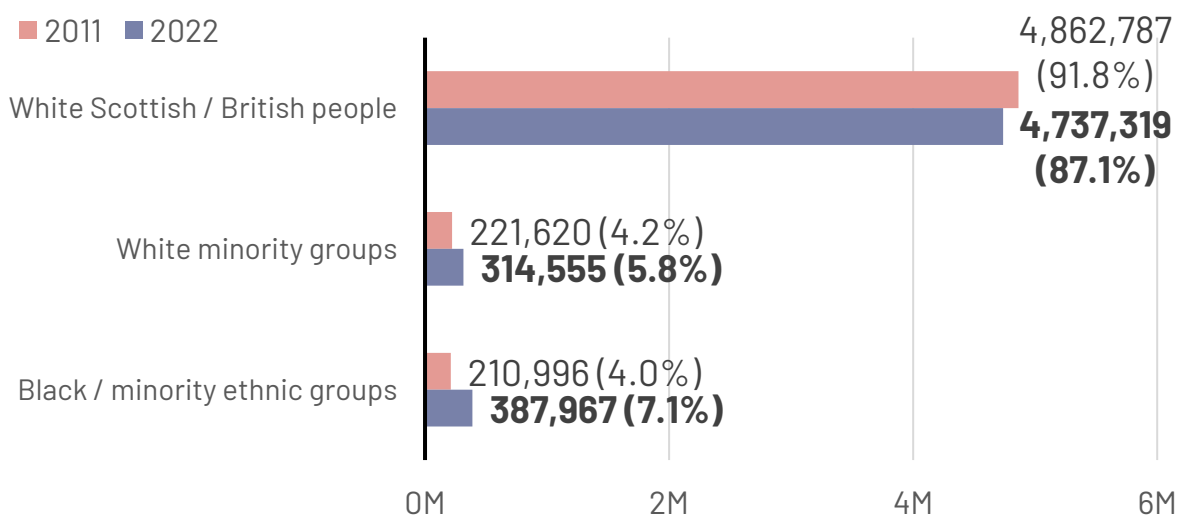


Chart: Coalition for Racial Equality and Rights (CRER) • Source: [Scotland's Census 2011 & 2022](#)

Recommendation: Scottish Government should systematically collect and publish disaggregated data on the enjoyments of rights by minority ethnic groups in all fields of life.

Education

Scottish Government introduced the Anti-Racism in Education Programme (AREP) in 2022, working with various stakeholders to develop action on anti-racism in Scotland's education system.¹⁵ The remit of AREP is broad and its workstreams fall into four subgroups: curriculum reform, racism and racist incidents, diversity in the teaching profession and education workforce, and education leadership and professional learning. Work has also been done to introduce an anti-racist framework for initial teacher education and training, for example.¹⁶

Despite these efforts to address racial inequality in Scottish schools, teaching of Black history is still not compulsory in the curriculum, and it remains the decision of individual teachers and schools to determine the content taught within the Curriculum for Excellence.

It is critical that young people and children can explore the role of Scotland in empire, migration, colonialism, and slavery and further understand the structural inequalities which currently exist.

Recommendation: Scottish Government should ensure that anti-racist approaches, including the inclusion of Black History within the curriculum, are at the heart of its current education reforms.

Minority ethnic teachers are paramount to creating an education system in Scotland which is anti-racist. Research shows that minority ethnic teachers are more likely to speak to learners about race equality and illustrates how BME individuals can be positive role models in a professional setting and wider life.¹⁷ This has become increasingly important as 10.4% of all pupils in Scottish public schools come from a minority ethnic background.¹⁸

Scottish Government's 2018 'Teaching in a diverse Scotland: increasing and retaining minority ethnic teachers' report committed to recruiting 4% of teachers from minority ethnic backgrounds in Scotland by 2030.¹⁹ Yet the 2023 Teacher Census shows that only 1.7% of teachers in Scottish schools come from a BME background.²⁰ Therefore, to reach this target, over 10% of all new teachers until 2030 must come from a minority ethnic background, compared to the 3% that currently become teachers.

Fewer BME applicants seem to be accepted into teacher training or remain in teaching, and those who do become teachers can also experience racism within the classroom.²¹ There must be targeted action from the Scottish Government to support the increase in recruitment of BME teachers.

Recommendation: The Scottish Government must fulfil their commitment to employ and retain a number of BME teachers proportional to the minority ethnic population in Scotland and continue monitoring the number of applications from BME students.

Despite the Committee's recommendation to collect qualitative data on bullying and exclusions from school in 2016, little has been done to improve the recording of racist bullying incidents at Scottish schools since.²² CRER and Education Scotland have separately published reports which show that Scotland has not been adequately monitoring the number of bullying incidents through this system, with 83% of schools failing to record any incidents of racially motivated bullying at all.²³

Education Scotland's HM Chief Inspector of Education, said:

"While schools using systematic approaches for recording and monitoring reported a reduction in bullying, our review highlights that this is not yet consistent across all schools. There is now a real need to improve how this is being done to ensure our children and young people feel safe, protected and listened to."²⁴

Race equality stakeholders were not involved in the development of [Respect for All](#) (2017), the anti-bullying framework for Scotland which is currently being reviewed. Anti-racism must be at the forefront of any review.

In 2018/19, Caribbean/Black students were excluded at twice the rate of white Scottish students.²⁵ African pupils were also excluded at a disproportionately higher rate. Scottish schools should prevent recording ethnicity as unknown or not disclosed in their data collection for exclusions to allow for more accurate analysis, with reasons for exclusions made clear.

Roma and Gypsy/Traveller children appear to be disproportionately represented in school exclusions, but there is currently little research to understand this disparity.²⁶ The variance between local authorities in terms of reporting hinders any further investigation that could inform policies to support BME and Gypsy/Traveller children in schools. Prevention and early intervention are key to ensuring that all children are given the best opportunities to learn.

Recommendation: Scottish Government should mandate schools to collect qualitative and quantitative data on bullying and exclusions from schools in Scotland on the grounds of race, colour, descent, or national or ethnic origin, and to use the data to develop concrete strategies to tackle inequalities.

Higher and Further Education

Analysis of the Higher Education Statistics Agency (HESA) data demonstrates an attainment gap between white UK university students and BME UK university students in Scotland, with those who identify as Black having consistently low attainment. In 2023, only 8% of Black graduates were awarded a first-class degree compared to 26% of white graduates.²⁷

Figure 3: UK-domiciled first degree qualifiers, by classification and ethnicity (2021-22)

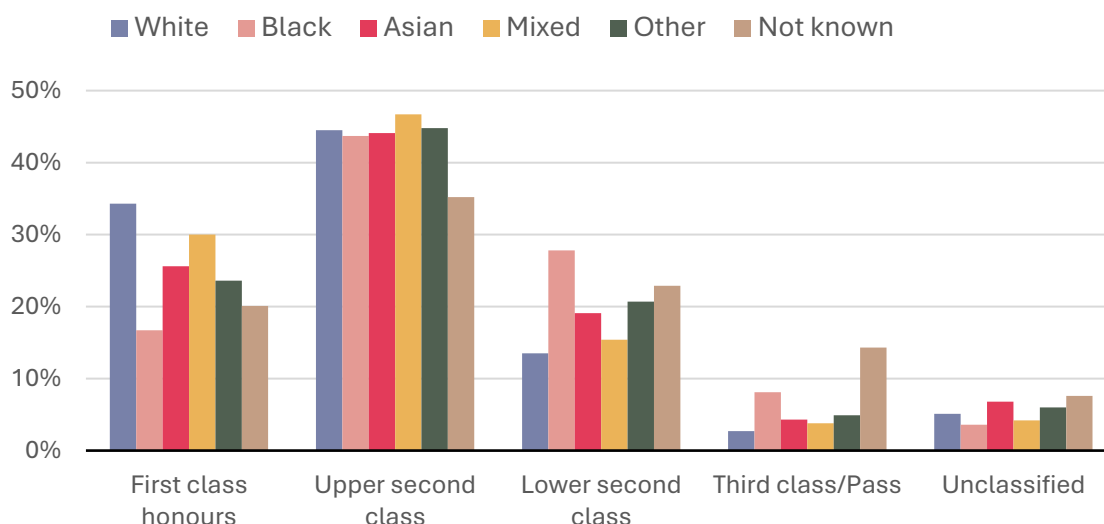


Chart: Coalition for Racial Equality and Rights (CRER) • Source: [Higher Education Statistics Agency](#)

The statistics illustrate a persistent problem in attainment, but there is currently no easily accessible awarding data for Scottish domiciled students, which makes any analysis inaccurate.

Data from HESA is not standardised, meaning that different institutions compile their student data in various forms according to their purposes. For example, it is not possible to access ethnicity data by subject/degree across universities in Scotland. It is important that this information is collected nationally so that disparities in awarding can be highlighted.

As non-completion rates across Scottish higher education providers are not readily available, there can be no accurate analysis of the national picture of BME students who did not complete their courses.

In further education, Scottish-domiciled BME students continue to be overrepresented, with the highest share among part-time students in colleges. It is possible that this is linked to socio-economic factors.²⁸

Recommendation: Scottish Government should ensure that education institutions monitor ethnicity data in a consistent and accurate manner that does not vary from other education institutions. National data must be available so that trends in attendance and awards can be analysed.

Employment

In 2021, the ethnicity employment gap was estimated to be 11.7 percentage points, with the gap larger for women than for men.²⁹

BME adults in Scotland are underemployed at almost double the rate of their white counterparts; BME workers are also almost twice as likely to be insecurely employed.³⁰ BME workers are paid less per hour than their white counterparts and this earnings gap continues across various sectors, with BME workers also being disproportionately concentrated in low-paying occupations in comparison to their white British counterparts.³¹

The average employment rate for minority ethnic groups is 59%, even when worst performing local authorities in Scotland have rates over 67%.³²

BME people can face discrimination when applying for a new job or promotion; for example, an individual's name and perceived identity can influence their success in obtaining an interview.³³ Even in the public sector, only 2.8% of employees are BME, compared to the 7.7% of the working-age population in Scotland who identify as BME.³⁴

This is despite the fact that 10% of all applications to the public sector came from BME applicants in 2021.³⁵

Figure 4: Black/minority ethnic representation in Scotland's public sector

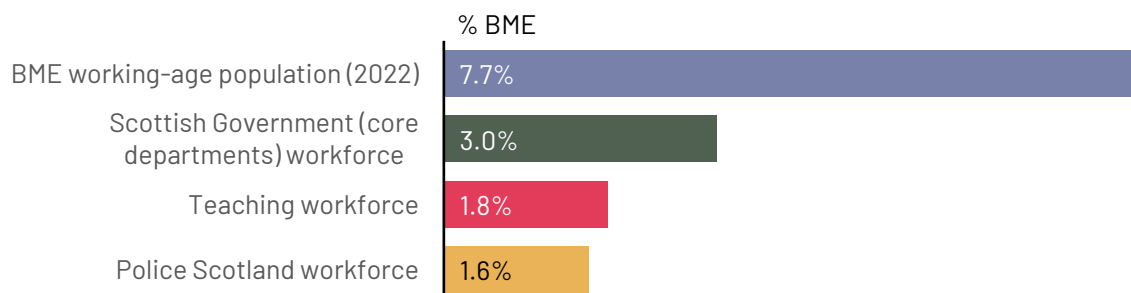


Chart: Coalition for Racial Equality and Rights (CRER) • Source: [Public Sector Equality Duty statistics](#)

Discrimination continues across different sectors, but without monitoring equality data, it is difficult to determine the causes of disproportionality. This is particularly important for those with intersectional protected characteristics which may not be recorded.

In the public sector, BME workers remain less likely to gain promotions despite taking part in more training than their white counterparts. BME individuals are also less likely to be in positions of seniority within the workplace.³⁷

All-white leadership teams are all too common in the third sector boards. CRER research in Glasgow, the most ethnically diverse city in Scotland, found that most boards are predominantly made up of white trustees and 80% of all charitable companies had no BME trustees at all.³⁸

Scottish Government's [Anti-Racist Employment Strategy](#) (2022) was published to tackle these issues, but due to its merging with Fair Work strategies and its lack of enforcement, there is not a strong focus on the race equality angle in employment. This means implementation has not been widespread and allows for little evaluation of the strategy's impact.

Recommendation: Scottish Government should ensure that the public bodies gather accurate information on ethnicity and occupational data, especially where it is intersectional, and evaluate the effectiveness of the Anti-Racist Employment Strategy in tackling inequalities in the workplace. All organisations should have an action plan to deal with underrepresentation in their workforce.

Housing

The housing situation in Scotland has continued to worsen due to the impact of the pandemic and the ongoing cost-of-living crisis, with BME groups facing the brunt of it.

Official statistics suggest that BME groups in Scotland are more likely to occupy the private rental sector than people from white Scottish/British backgrounds.³⁹ This disparity can lead to minority ethnic people spending a greater proportion of their income on housing, leaving them with significantly reduced disposable income, savings, and money for other essential bills and expenses.

In 2021, the Joseph Rowntree Foundation found that more than a quarter of Black/minority ethnic workers spend over a third of their income on housing compared to around 1 in 10 white workers.⁴⁰

BME groups also face barriers to housing due to the prevalence of interpersonal racism. A study by Generation Rent found that SpareRoom profiles with a white profile picture were 36% more likely to receive a positive response when applying for a flat- or house-share than someone from a Black ethnic background, even when all other details were identical.⁴¹

Further to this, data from the Evidence for Equality National Survey shows that 35% of minority ethnic respondents in Scotland feel that neighbours of theirs have made their lives difficult for reasons they perceived to be racist.⁴² This echoes wider trends regarding anti-social behaviour in Scotland, which is known to disproportionately target people from minority ethnic backgrounds and often involves neighbourly disputes.

The housing crisis in Scotland exacerbates these issues for Black and minority ethnic people, as it further reduces the availability of secure and affordable housing and worsens the impact of discrimination from housing providers.⁴³ Significant responsibility lies with Scotland's public sector, whose approach to housing over the years has contributed massively to housing inequality.

Recommendation: The Scottish Government must create more affordable housing through social housing and by controlling rents in the private sector, reducing the negative impacts of discrimination in BME people's access to housing. Allocations of social housing should be opened up to allow for equal access.

In 2023, Scottish Government recorded a 33% increase in the number of homelessness applicants from a Black minority ethnic background, compared to a 5.3% increase from groups identifying as white.⁴⁴

Table 1: Ethnicity of the main applicant for households assessed as homeless or threatened with homelessness

Group:	2022	2023	% change
White groups	26,144	27,520	↑ 5.3%
BME groups	2,887	3,839	↑ 33.0%
Total	30,522	33,191	↑ 8.7%

Source: Scottish Government, [Homelessness in Scotland: 2022-23](#)

Homelessness for BME households and individuals in Scotland has consistently been disproportionate, yet there has been little research done to understand why this continues to be the case. Where research does mention ethnicity, it is often only in passing or is largely focused on recent migrants and not UK-born and long-term resident populations.⁴⁵

Scottish Government statistics do not differentiate between immigration status and ethnicity, despite different immigration statuses equalling different levels and ease of access to safety nets from destitution.

There is currently no homelessness strategy aimed towards Black and minority ethnic individuals. It should also be noted that there are no priority groups in housing strategies in Scotland, as there are in poverty strategies.

Recommendation: Scottish Government should disaggregate homelessness data by ethnicity to allow for an equalities analysis and commit to further research into reasons for BME homelessness to inform policies and prevent ethnic disparities in homelessness figures.

Health

Early reports in 2020 showed that the first medics who lost their lives to COVID-19 in the UK were all from BME backgrounds.⁴⁶ However, the Scottish Government did not address this issue at an early stage and did not have the necessary data for this to be measured in Scotland.⁴⁷

Figure 6: Proportion of deaths involving coronavirus (COVID-19) in Scotland, by ethnic group (1st March 2020 to 31st September 2021)

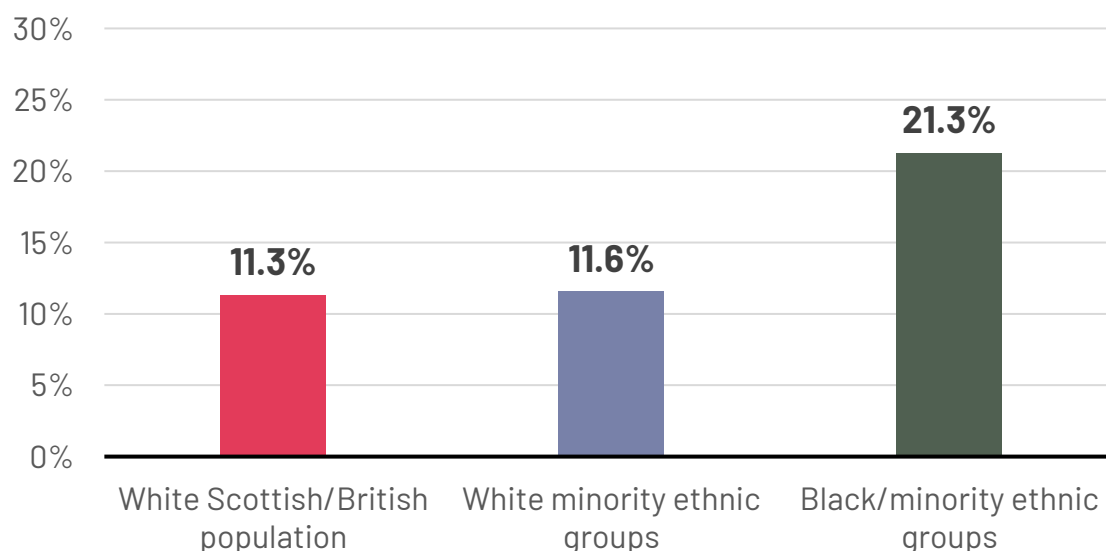


Chart: Coalition for Racial Equality and Rights (CRER) • Source: [National Records for Scotland](#)

Scottish Government created the [Expert Reference Group on COVID-19 and ethnicity](#) (ERG) to provide advice and guidance on how to address systemic issues, improve data on ethnicity and reduce COVID-19 risks as a response.

The ERG stated that data on ethnicity has been recorded in many NHS Scotland administrative systems for some time, but levels of recording and data quality have often been too poor to allow meaningful analysis. This suggests another lesson learned: that local implementation of data collection needs to be tracked and inadequacies dealt with appropriately.

Warnings about research identifying susceptibility to infectious disease among particular minority ethnic groups were made in [Scottish Executive's 2002 Equality Scheme](#), and commitments to comprehensive ethnicity monitoring through the CHI system were made. Despite the known issues of racial inequalities in health, Scotland's health policy environment was unprepared at the onset of the COVID-19 pandemic.

Had these commitments been kept, we may not have faced such delays in identifying trends and taking appropriate action during the pandemic. Two of the lessons learned were that Governments need to be highly responsive to equality issues raised by third-sector organisations and that once commitments to tackle inequalities are made, they must be kept.⁴⁸

Recommendation: The Scottish Government must ensure that commitments made during the height of the Black Lives Matter movement and the COVID-19 pandemic are followed through, especially in regard to data collection for health and death rates.

The COVID-19 pandemic demonstrated the lack of preparedness of the Scottish health system in terms of understanding disproportionate impacts on specific minority ethnic groups.

The lack of data means that determining health risks associated with ethnicity in Scotland is difficult. It is also difficult to identify issues with access to healthcare and the reasons for this, although anecdotally, there appear to be issues with delivering bias-free and culturally competent services.

Intersectional data for those who have a disability and those who have access to social care services is also missing. Reports suggest that BME people disproportionately provide unpaid care, but without data to support this in Scotland, it is not possible to target policies towards these groups.⁴⁹

From analysing trends in England, Scotland may wish to investigate maternal disparities and instances of racism within the healthcare system.⁵⁰ There is evidence to suggest that similar issues are occurring within NHS Scotland, with research showing Black and minority ethnic individuals have poorer health outcomes than their white counterparts and face additional barriers in healthcare.⁵¹

CRER is aware that there are developments within the NHS and Public Health Scotland (PHS) to tackle racism within the healthcare sector.⁵² Presently, it is too early to determine the effectiveness of this work and how it might impact those employed in healthcare services.

Recommendation: Scottish Government should urgently address ethnicity data gaps (including intersectional data) across the National Health Service, with disaggregated results used to monitor, identify and determine solutions to racial disparities.

Recommendation: Scottish Government should develop and implement a fully funded cross-government strategy to understand and tackle the impact of structural racism in determining inequities in health and social care.

Mental Health

The poor health outcomes for BME individuals are also reflected in mental health.

The Mental Welfare Commission for Scotland reported that BME people in Scotland are 4.8 times more likely to be compulsively sectioned during times of crisis than their white Scottish/British counterparts; they are more likely to be perceived as a greater risk to themselves and others - often contributing to a disparate use of physical restraint and sedatives in mental healthcare settings.⁵³ This is exacerbated by gender, as practitioners in Scotland perceive 48.4% of detained Black women as a risk to themselves and others compared to just 33.8% of white Scottish women.

There are a number of proposed and in-progress changes to policies and legislation related to mental health in Scotland. A Mental Health Law Review took place in 2022, and Scottish Government published its [Mental Health and Wellbeing Strategy](#) in 2023.⁵⁴ Related to the [delivery](#) of this, an expert group was convened under [See Me](#) to take a strategic approach to addressing stigma, discrimination and inequity.

A reference group to improve PHS data on mental health was created last year to better understand racialised inequalities. This work is ongoing. As all of these are recent initiatives, it is difficult to gauge whether these will make a significant impact on BME people experiencing ill mental health.

Black and minority ethnic individuals who suffer from poor mental health must have access to services which are trustworthy and understand the specific impacts of racial inequality and racism on them. Specialists are few and far between in Scotland.

Recommendation: The Scottish Government should monitor the impact of its mental health strategies on Black and minority ethnic groups. Healthcare experts in Scotland should undergo specialised training and be able to signpost areas which require knowledge of racial trauma.

Poverty

Linked to education, housing, employment and health inequalities that they face, BME individuals are twice as likely to live in poverty than their white counterparts in Scotland.⁵⁵ Recent poverty statistics show that in Scotland 51% of Mixed, Black and Other groups and 50% Asian groups were living in relative poverty.⁵⁶

In-work poverty is one of the most prevalent forms of poverty; people from a minority ethnic background experience a rate of in-work poverty three times that of the rate of white workers.⁵⁷ Workers in minority ethnic families where everyone works full-time are nearly twice as likely to experience in-work poverty as white workers.⁵⁸

Further to this, evidence suggests that BME households spend a larger proportion of their wages on housing costs than their white counterparts due to their over-representation in Scotland’s increasingly unaffordable private rental sector.⁵⁹

While minority ethnic families are considered a priority group for Scottish Government (i.e. household types more likely to experience child poverty), there are little to no targeted approaches being taken in the poverty strategies.

It should be noted that intersectional data may be key to understanding the causes of poverty for many priority groups.

Figure 5: Proportion of children who are in relative poverty, by ethnicity

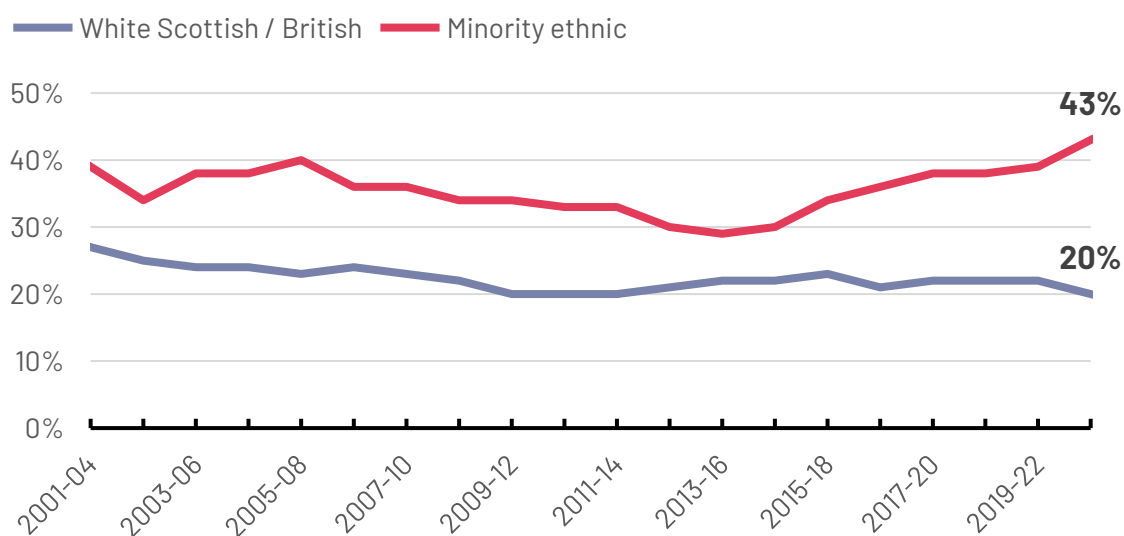


Chart: Coalition for Racial Equality and Rights (CRER) • Source: [Office for National Statistics](#)

43% of minority ethnic children in Scotland were living in relative poverty in 2022-23, and it will likely increase without targeted action.⁶⁰ We predict that the number of BME families living in poverty is higher than 43% as current data provided by Scottish Government includes white minority ethnic groups.

There is not enough information to pinpoint the specific causes of poverty and to assess whether applications for social security, such as the Scottish Child Payment, are proportional. This is largely due to the fact the Department of Work and Pensions in the

UK Government does not provide ethnicity data on those eligible or rejected from Universal Credit in Scotland.⁶¹ (Applicants can only be eligible for the Scottish Child Payment if they are in receipt of a qualifying benefit such as Universal Credit.)

What is clear is that policies in recent years have not succeeded in lifting BME children out of poverty; instead, they have simply widened the gap.

Uptake of social security is key, but it would be futile unless the systemic barriers which Black minority ethnic individuals face are addressed appropriately. This would include addressing underemployment of BME parents and the rising cost of living.

Recommendation: Scottish Government must target anti-poverty policies towards BME families in poverty to tackle the increasing rate of poverty and collect disaggregated ethnicity data to understand racial disparities. Social security uptake should publish and monitor ethnicity data to ensure that there are not additional barriers for BME applicants.

Policing & Access to Justice

Ethnicity data related to criminal justice is difficult to access in Scotland. Police Scotland is not required to collect ethnicity data except in relation to the workforce, which is a major lapse in understanding trends in the justice system. For example, it remains difficult to draw any conclusions on the ethnic disparity in stop and searches due to unreliable population data.

Scottish Government created the [Cross Justice Working Group on Race Data and Evidence](#) in 2020 to help address this problem. However, beyond evidence review-related outputs, it is hard to say whether tangible change has occurred as a result of this working group.

Recommendation: Police Scotland should be required to accurately collect ethnicity data regarding victims, witnesses, suspects and others subject to police contact. This data must be published where relevant for transparency and accountability and used to identify and tackle racial disparities.

In 2020, Dame Elish Angiolini reviewed the effectiveness of systems for dealing with complaints against the police.⁶² This review held a focus group with representatives from BME backgrounds who highlighted a lack of understanding between the police and their communities, resulting in a sense of fear and reluctance to call for help.

The former Chief Constable then recognised that Police Scotland was institutionally racist and discriminatory in 2023.⁶³ It has been acknowledged that Police Scotland requires reform to become an anti-racist body that protects the interests of Black and minority ethnic communities at its core.

Research published by the Scottish Police Authority, which consulted BME communities, reiterates that the police must engage more with these communities to build trust in the justice system.⁶⁴ Further resources and training may be necessary for these purposes. This could include trauma-informed response training when working with BME communities.

A more diverse workforce is needed within Police Scotland. As an organisation, Police Scotland has a smaller proportion of BME employees compared to other public bodies – 1.6% of officers and 2% of police staff in 2022 came from BME backgrounds.⁶⁵ In addition, BME officers tend to have poor retention rates than white officers.⁶⁶ Without representation, it may be difficult for BME individuals to feel safe and understood when, for example, reporting a hate crime.

Recommendation: Scottish Government, His Majesty’s Inspectorate of Constabulary in Scotland and the Scottish Police Authority should proactively work with Police Scotland to monitor the implementation of all outstanding race-related external recommendations and internal actions, including regarding reviews, anti-racist training and positive action in recruitment, retention and career progression.

While the Scottish Legal Aid Board (SLAB) provides ethnicity data on employees within the organisation, there is a delay in the publication of the same information for legal aid applicants.⁶⁷ Therefore, it is difficult to evaluate the proportion of BME individuals who use the service or have their access denied.

Recommendation: Recommendation: Ensure that SLAB publish ethnicity data of legal aid applicants to determine whether there are issues with accessing legal aid in Scotland as recommended in the Committee’s 2016 concluding observations.⁶⁸

The Scottish Centre for Crime and Justice Research published their report on deaths in Custody and Fatal Accident Inquiry in Scotland in February 2024, revealing that ethnicity data is missing for one-quarter of all deaths between 2015–2020 and data collection is inconsistent.⁶⁹

The same report illustrated a case study where institutional racism was not mentioned in the Fatal Accident Inquiry when there was evidence that a prisoner of Chinese origin had been treated and criticised unfairly. This alludes to the need for better equality training in prisons.

Though incarceration rates and ethnicity have remained unchanged over the years, it was estimated that the incarceration rate for people who identify as African, Caribbean or Black, or from Other ethnic groups was significantly higher than for people who identify as white.⁷⁰

The Sheku Bayou Public Inquiry is still ongoing to examine the events surrounding the death of Sheku Bayoh, the subsequent investigation and whether race was a factor.⁷¹ Mr Bayoh, a Black man died after being restrained by Police back in 2015, almost a decade ago.

Recommendation: Scottish Government should monitor and investigate whether there is an overrepresentation of certain ethnic groups in the justice system, ethnic disparity in deaths in custody, or differences in treatment within custody.

Political Participation

Representation of Black and minority ethnic people within politics improved drastically after the height of the Black Lives Matter movement in 2020. The first BME woman to be elected to Scottish Parliament was Kaukab Stewart in 2021, and Humza Yousaf became Scotland's first BME First Minister in 2023. There is now a total of six MSPs from a BME background in the Scottish Parliament. Similarly, there has been an increased number of BME councillors since 2021.

But representation must be followed by anti-racist action. It has been shown that when given positions of power, BME individuals tend to step down from the role within the year, especially for women.⁷² Reasons can include but are not limited to harassment and additional stress caused as a result.

This limited representation means that some forums and democratic processes at local and national levels fail to meaningfully consider minority ethnic voices in decision-making, even where issues may specifically impact their specific communities. It is essential that those from minority ethnic groups still feel heard and that their opinions are valued within society.

The Scottish Household Survey found that 20% of BME groups did not feel strongly that they belonged to their local community, and 9% not at all strongly.⁷³ This is compared to 10% of the white Scottish group who did not feel strongly that they belonged to their local community.

Recommendation: Scottish Government should ensure representation of BME populations is proportional at local and national levels, and their voices must be included in decisions that will impact them.

Roma and Gypsy/Traveller communities

Inequalities faced by Roma and Gypsy/Traveller communities are wide-ranging and have been prevalent in Scotland for years. Despite various government initiatives, these communities continue to face structural barriers in Scotland.

Lack of adequate housing is a pervasive issue for Gypsy/Traveller families. There has been a shortage of culturally appropriate and legally authorised sites for Gypsy/Travellers, forcing some to live in unauthorised encampments with limited access to basic amenities.

Scottish Government have set up a Gypsy/Traveller Accommodation fund to provide better accommodation as part of their refreshed [Gypsy/Traveller Action Plan](#) in 2023. However, the results of these initiatives and their evaluations are still to be seen.

Article 12, a young person-focused NGO, has highlighted that social media and television often vilifies the Gypsy/Traveller community.⁷⁴ Harassment, social exclusion and discrimination towards Gypsy/Traveller individuals are also common in Scotland.

These experiences of prejudice, stigma and discrimination, as well as the legacies of historical injustices and issues related to fixed address requirements, have negatively impacted interactions between Gypsy/Traveller communities and public services, including healthcare and education. This has contributed to a range of inequalities, such as the increased prevalence of preventable health problems among Gypsy/Traveller groups.

Although there are calls for a national apology for the enforced assimilation and attempted extirpation of Gypsy/Travellers, none has ever been publicly given.⁷⁵

Recommendation: The Scottish Government should seek to reduce the structural inequalities and racial discrimination faced by Roma and Gypsy/Travellers communities in consultation with stakeholders and monitor the impact of targeted approaches.

Refugees and Asylum Seekers

Legal framework on migrants, asylum and refugees remains a reserved matter in the UK. This includes No Recourse to Public Funds (NRPF), individual assessment of applications and due process guarantees.

In Scotland, there are growing concerns about the needs of refugees and asylum seekers. Around 1,400 refugees and asylum seekers are currently being housed in hotels across Scotland; reports suggest that this form of accommodation is worsening their mental health, leading to multiple refugees and asylum seekers dying by suicide in the past year.⁷⁶

Homelessness and poverty can be exacerbated for those with NRPF, and Scottish Government should ensure that policies take this into consideration.⁷⁷

Efforts to combat the discrimination of non-nationals can be exemplified by the implementation of the [New Scots Strategy](#) in March 2024 by Scottish Government, which seeks to support the integration of refugees, asylum seekers and other forced migrants in Scotland. Scottish Government should continue their partnership working and ensure that there are concrete outcomes in the delivery of the New Scots Strategy.

Article 6

As stated by the CERD Committee, “The Committee recognizes that, by virtue of their mandates under the Paris Principles, national human rights institutions have an independent and distinct relationship with the Committee. The relationship is different from, yet complementary to, those of States parties, civil society, non-governmental organizations and other actors.”⁷⁸

NHRIs should remain separate from NGOs' work on the alternative report so that both organisations can support the Committee independently. We would, therefore, highlight concerns around NHRIs and NGOs collaborating on the writing of the SHRC NHRI report in Scotland.

The Committee’s 2016 concluding observations for the UK State Party voiced concern at the lack of power that the SHRC holds in supporting individuals in claims or legal proceedings.⁷⁹ Eight years on, this continues to limit the ability of minority ethnic individuals in Scotland to exercise and advocate their human rights.

The Human Rights Bill proposals would grant the SHRC more power; however, it does not separate those powers from the Equality and Human Rights Commission (EHRC). Their roles must remain separate to ensure the two are not treated as single bodies. The SHRC should continue to focus on devolved matters only.

Funding for both the SHRC and EHRC has remained low over the years.⁸⁰ Article 14 of ICERD asks for consultation with civil society in human rights protection, but this is becoming increasingly challenging in Scotland due to funding limitations.

While there has been a surge in the number of human rights organisations in Scotland in recent years, there continues to be a lack of funding and opportunities for NGOs to carry out meaningful work. The SHRC does not fund organisations, and a lack of financial support has caused some human rights NGOs to dissolve. This may lead to complacency surrounding human rights in Scotland.

Recommendation: The Scottish Government should provide more funding to the SHRC to allow it to enact the powers which would support BME individuals. Consideration should be given to the remits of the EHRC in Scotland and the SHRC in relation to devolved areas.

Conclusion

Due to this report's limitations, various pieces of legislation and initiatives that impact the lives of BME people in Scotland have not been mentioned. We instead chose to focus on immediate priorities that should be addressed.

In particular, the Scottish Government must be held accountable for the lack of disaggregated data regarding ethnicity. This has been a consistent theme across all areas, and we hope that these will be prioritised in the 2024 recommendations made by the Committee. Without accurate data and recording, it is difficult to inform and evaluate policies and make any effective change in Scotland.

The lack of a Race Equality Action Plan as of June 2024 is also alarming. Scottish Government's focus on creating an oversight body and passing legislation can be seen as a distraction from addressing the challenges that BME communities face – soaring rates of poverty, the lack of diversity in the workforce and the rise of the far right.

Scottish Government must work collaboratively with the minority ethnic communities in Scotland to develop a comprehensive strategy that will create real change.

CRER supports the joint UK NGO alternative report and would again reiterate that while issues across the four nations vary, we are united in our mission to tackle systemic racism. We would encourage further dialogue with the Committee to understand the complexities of devolution and specific actions which could improve the lives of minority ethnic communities in the UK, including in Scotland.

Appendix

We have attached a list of potential questions which the Committee can pose to the Scottish Government during the UK State Party Hearing in August 2024:

1. How has the Scottish Government been able to implement the Race Equality Framework 2016-2030 without the use of an active anti-racist action plan since May 2023? And how has the impact of the Framework on Black and minority ethnic groups been measured since May 2023?
2. How can the expertise and perspectives of equalities organisations in Scotland, as articulated in the PSED review consultation, be better utilised in the revision of PSED?
3. How will the Scottish Government ensure that the Human Rights Bill has meaningful measurable outcomes for Black and minority ethnic individuals in Scotland?
4. Why has the Scottish Government not been able to publish disaggregated data on fields of life which would have significant impact on Black and minority ethnic individuals, such as in child poverty, criminal justice and homelessness, despite acknowledging the disproportionate impact on BME communities?
5. Why has the Scottish Government not made the collection of racist bullying incidents at Scottish schools mandatory despite calls from stakeholders and the Committee's 2016 recommendations to do so?
6. What initiatives do the Scottish Government have to ensure occupational segregation is not occurring across the public sector and to uphold commitments such as employing 4% of Black and minority ethnic teachers?
7. What steps has the Scottish Government taken to ensure that the school curricula contains a balanced account of the history of the British Empire and colonialism, including slavery and human rights violations, as per the Committee's 2016 concluding observations?
8. How is the Scottish Government ensuring that the housing crisis in Scotland does not disproportionately impact Black and minority ethnic individuals and families, and will they take targeted action to approach this?

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