

“WE ARE HUMAN, NOT A STATISTIC”

An ‘our words’ report of Scotland’s Human Rights and Racism Report Card. Commissioned by the Scottish Human Rights Commission



By Clare Gallagher, Human Rights Officer,
CEMVO Scotland

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Introduction

CEMVO Scotland

CEMVO Scotland is a national intermediary organisation and strategic partner of the Scottish Government Equality, Human Rights and Inclusion Unit. Our aim is to build the capacity and sustainability of the ethnic minority (EM) voluntary sector and its communities. Since being established in 2003, we have developed a database network of over 600 ethnic minority voluntary sector organisations throughout Scotland to which we deliver a wide range of programmes that provide capacity building support to the sector.

As a national organisation, we continually engage with the EM voluntary sector and its communities, which enable us to gather intelligence about the needs and issues affecting the sector. This helps our organisation to deliver tailored support to the sector, and to work strategically with public and government agencies to tackle a range of prevalent issues such as race equality, social inclusion, capacity building and civic participation.

One of our core programmes at CEMVO Scotland is the Race for Human Rights programme. The aim of this programme is to help public service providers increasingly embed race equality and human rights in their strategic planning and day-to-day functions. This is achieved by adopting an anti-racist and human rights-based approach. Part of this support includes community engagement to empower rights-holders to be heard and support policy makers to be better connected with Ethnic Minority communities.

Objective

The UK is currently engaged in its twenty-fourth to twenty-sixth periodic review under the Convention on the Elimination of All Forms of Racial Discrimination (UN CERD). A [state report](#) was transmitted to the Committee in March 2023. The interactive dialogue will take place in August 2024.

The UK will undergo its examination of the implementation of UN CERD in August 2024.

This report covers four themes that were highlighted in the Scottish Human Rights Commission's List of Themes: Hate Crime, Education, Social-Economic status and Health¹. These themes were selected based on CEMVO Scotland's ongoing priorities and evidence base. Each section of this report refers to what the Scottish Government listed in their state report as steps taken to meet the provisions of CERD. Then it summarises what communities felt, including direct quotes. This ensures that the objectives of the research are met: areas of progression and regression; priorities and fact-checking exercise.

¹ [CERD list of issues \(scottishhumanrights.com\)](https://www.scottishhumanrights.com)

Methodology and scope

CEMVO Scotland is working in collaboration with the Scottish Human Rights Commission (SHRC) to ensure that EM voices are heard and reflected in their parallel report submitted to the United Nations as part of the monitoring process on the International Convention on the Elimination of All Forms of Racial Discrimination. CEMVO Scotland have designed, facilitated and delivered two community engagement events to seek the views of individuals and community organisations.

For the purpose of these events, CEMVO Scotland’s engagement focused on individuals who experience racial discrimination based on race and colour, within definition of Article 1 of the Convention on the Elimination of All Forms of Racial Discrimination.

At CEMVO Scotland we adopt an human rights-based and anti-racist approach when designing and delivering engagement events and have developed criteria and checklists to ensure our events are as accessible and inclusive as possible.

CEMVO Scotland worked with two of their network organisations to engage with their EM service users/members; West of Scotland Equality Council (WSREC), in the central belt and the Organisation for Nepalese Culture and Welfare (ONCW) in Aberdeen. This ensures that those who live in the North East have their voices heard.

All participants were asked to complete an Equal Opportunities form. Out of the 32 participants from an EM background across the two events, 26 disclosed their ethnicity data:

35% identified as Nepalese
 23% identified as Arab
 15% identified as Black African
 8% identified as Pakistani
 8% identified as Indian
 11.5% selected to self-describe
 (Arab/African, White and Asian,
 Spanish/Latino)

In terms of intersectional data, alongside their ethnicity, participants disclosed that:

15% identified as a young
 person (under 24 years old)
 8% identified as having a
 disability or long term health
 condition
 12% identified as bisexual
 4% identified as asexual

To empower community organisations and to value lived experience, CEMVO Scotland awarded each organisation £950 from the grant money. This covered costs of refreshments, amenities, interpreters and to pay each participant £30 for their involvement.

To ensure meaningful engagement, CEMVO Scotland designed briefing packs for participants which provided background information on human rights.

The engagement session started with brief capacity building of participants, including: what human rights are, an overview of the Articles 1-7 within CERD and then the process of international reporting of CERD. The participants were then be split into two groups to ensure individuals voices were heard. This enabled meaningful contributions to ascertain:

- The views of rightsholders under the UN CERD on areas of progress, lack of progress and potential regression of standards outlined in the convention.
- Emerging priorities and concerns shared by particular communities or groups of rights-holders under UN CERD.

The session concluded with an evaluation form to gather how the participants felt about the event and if they feel their voices were heard. This is a core element of the Race for Human Rights Teams funding agreement. In line with SHRC policy, each individual received a token of thanks for participating in the sessions.

Prior to the drafting of this report, participants were offered to review the document to ensure that they felt it was a genuine reflection of their experiences.

Hate Crime

Hate crime is when a person commits a crime because of hate or prejudice against certain groups in society. It happens when someone targets another person because they belong to a specific group or because they are believed to belong to that group. This can include things like verbal or physical attacks, graffiti, or disrupting public order.

What have Scottish Government said

The Scottish Parliament passed the Hate Crime and Public Order Act in 2021 to update and modernize existing laws against hate crimes. This law expands to include acts that incite hatred, and it came into effect on April 1, 2024. To support this, the Scottish Government launched a refreshed Hate Crime Strategy in March 2023.

What communities said

Most participants did not know what hate crime was nor did they know about the new Hate Crime legislation or strategy. There was a consensus across both events that it was unclear what would be considered a hate crime: is it just physical assault or does it include verbal attacks. Many participants shared their own personal experiences of hate crime but they were unsure if it would constitute as a hate crime because it happened in the workplace. A couple of participants had heard of the new hate crime legislation and of the implementation challenges it has, they felt that if the police didn't know what constitutes as a hate crime, it would be even more difficult for the victim.

Many participants advised that they would not know what to do if they were a victim of a hate crime or where to report it. Of those who did know what a hate crime was and where to go to report it, it was felt that the police wouldn't do anything and therefore questioned what would be the purpose. One participant also shared that they were a victim of a hate crime from the Police. Facilitators shared with participants that there are also third-party reporting centres of which no participant knew about despite the fact that one of the host community organisations was listed as one.

Many participants spoke about hate crime in schools and raised it as a serious concern, stating that either their own children or children they know have all experienced hate crime in schools. Most participants felt that the impact of hate crime on children was profound, leading them to not returning to school and missing out on their education and suffering emotionally for a long time.

Participants also highlighted that the consequences of a hate crime attack, falls upon the victim. Using an example of schools, participants shared: when a hate crime happens in schools, it is usually the victim that is told not to return to school the next day or is moved class.

Many of the participants of one organisation worked for the NHS and spoke about hate crime in the workplace, particularly from patients. Participants shared that it is difficult

to manage because they have an ethical code to respect and they recognise that sometimes patients don't have the mental capacity to understand the impact of what they are saying. However, they all reflected that receiving this abuse everyday is upsetting, especially when patients shout 'go back to your own country, 'why are you here'. Once again it was felt that when reporting hate crime in the workplace, it is the victim who experiences the consequences e.g. moved to a different office or site, or has a reduction in hours. The impact of this being that the different site is often further away from home making commuting more difficult and there is a loss of income. Additionally, many participants spoke about how they usually brush off verbal attacks but noted that it all starts to 'pile up' and they go home and cry.

One individual shared their experience of going to a workplace tribunal, they were advised by their solicitor to take all parts of the complaint that was linked to racism out of it because if they mentioned racism the judge would reject the complaint. This had a profound impact on the individual but also on wider community. The message was clear to other members of the communities, if you do raise complaint/ report a hate crime to the police or judiciary linked to racism, they will not accept it.

Overall participants felt that hate crime had got worse or stayed the same in Scotland. The groups acknowledged the new legislation and strategy but they did not know anything about it and did not know how it would fundamentally change things in communities.

Direct quotes

"I faced hate crime one time from the police – where can I go then? We keep silent because it is in the government"

"When I complained to the police they hurt me, they told me I was wrong."

"Why should you trust the police?... The reality on the ground is not being solved because the people who are meant to protect and support you are not actually there"

"I have been here for 18 years, I was caring for someone in hospital... she was shouting get out my country, why are you here, you foreigners shouldn't be here. What can we do in these situations? We have an ethical code as nurse but we also hear this a lot, sometimes from people who don't have mental capacity. It upsets me"

"You face hate crime everywhere, it affects everything else – poverty, education, health."

"I don't think the police are effective, they're doing other things. I don't believe that if I report something that they will take it seriously"

"a young girl was told she was ugly by a teacher because she had dark skin and dark hair"

Education

The ways in which racist behaviour is recognised, addressed and recorded in schools can lead to low confidence in reporting incidents.

What have Scottish Government said

The Scottish Government has established an Anti-Racism in Education programme. It focuses on three key areas:

- 1) racism and racist incidents in schools
- 2) diversity in the teaching profession
- 3) educational leadership and professional learning.

What communities said

Discussion on education and racist incidents within the education system largely crossed over with discussions around hate crime. Participants noted that racism was very common in schools and that it was hard to report racism in schools when it is the teacher who is being racist.

Most participants acknowledged that most education establishments have a zero tolerance policy to racism but in reality this is not the case. Participants stated that a zero tolerance policy needs to be more thoroughly embed in the curriculum and be more action based.

There was a consensus across the engagement events that education is a key and fundamental part of eliminating racism in our society, describing it as a chance to ‘nip racism in the bud’.

At one engagement event, all participants agreed that to reduce racist incidents in schools it was important to have programmes that celebrate different cultural days. An example was given of one school where on a specific cultural day pupils are encouraged to come in their cultural dress and play music. Some groups mentioned that very few schools have done this over the years but felt this approach should be mainstreamed. Participants felt that this would be really successfully and is important for children to learn about each other and different cultures.

Furthermore, most participants agreed that how racist incidents and racism was handled in schools depended on the school, noting that some schools have done it well and others are so bad that children have had to leave.

Lack of diversity of teachers was also noted as in issue, one participant stating that an increase in Black and Ethnic Minority teachers would be better because you could ‘see people like me’. In general, participants felt that diversity of students had increased within schools, but the impact of lack of diversity of teachers and teachers not understanding racism meant that racist incidents have increased. Some participants also spoke of the racism that teachers faced, one example was shared of a teacher who

was bullied by school children and received ‘really bad racism’. This resulted in the teacher giving up his job and moving away from the area completely to work in a different city/local authority. Participants shared that this had negatively impacted their children because they had lost a teacher from an EM background who could support and understand them.

Some participants shared examples of direct racism, being treated differently because of their ethnicity. One participant shared that because she arrived in the country as a refugee when she was a baby, she was forced to take ESOL course instead of Higher English. The participant felt that this decision was either based on her legal status or her name rather than her capability to speak and write in English (of which they are fluent). The impact of this policy was that it deferred the student from studying Higher English for another year, despite the fact it was a requirement for her chosen university subject (law). Many other participants agreed that this was a discriminatory assumption/policy and shared they also knew of people who had experienced something similar e.g. being enrolled in ESOL despite English being the only language they use. Another participant described how they were denied a laptop in her education establishment despite all students having the right to a laptop. The student was told they were not allowed a laptop because ‘they were not local’. This individual had to fight and speak to another teacher to request that she get a laptop for coursework but this took some time.

International student fees were described as an example of indirect racism. Participants felt that the increase of international student fees was not fair as they attend the same lectures, given by the same lecturers and complete the same course work as Scottish students but they have to pay more. This issue was felt to be exacerbated by immigration status, and only being allowed to work a small number of hours increasing the risk of students living in poverty. More evidence will be provided in socio-economic section.

Overall participants felt that racism in education has got worse, reflecting that perhaps a reason for this was that the diversity of students has increased this is not the same for teaching professionals. Furthermore, participants felt that in education there is a recognition that racism and inequality exists but there is lack of action.

Direct quotes

“We can’t guarantee that a teacher isn’t going to be racist because it can be so ingrained in their being, they might not even know it”

“The group felt that schools are the most important, start at the school, the beginning of everyday like a prayer, no bullying, no racism”

“Education is key, we need to nip it in the bud”

“as a student we should be entitled to a laptop” and they told because I’m not a local, I can’t get access to laptop”

“Everyone now knows that racism exists but nobody actually does anything about it, the system is failing”

“I had friends in primary school. As soon as I started wearing the Hijab in secondary, all my friends suddenly left. I was really sad”

“When we were in modern studies they would ask me about 9/11 and say ‘do you know al-Qaeda?’ I just have to have no expectation that they will understand me”

A child who was victim of racist incident in school...”He went directly to his teacher and said he was upset, his teacher tried to explain [to the class] how people can have different colour skin and how people have different cultures. They phoned me directly and explained the steps, tried to educate the young people, after a few months the teacher gave my son some books in Arabic and he could read to the other children to improve his confidence. The teacher sometime wrote the words in English and asked him to translate, they really empowered him.”

Social-Economic Status

What have Scottish Government said

The Scottish Government is working to reduce poverty by providing various social security benefits. However, there are challenges, especially for ethnic minority (EM) families, who face higher rates of poverty but have low uptake of benefits.

What communities said

When asked about social security in Scotland, most participants were unsure of what it was and how to access it. The participants were then given examples of social security. Participants advised that they had only heard of these benefits and how to access them through friends and family. An example was given of Scottish Child Payment, where one mother only found out about this support through a friend as she was not aware she had the right to access this benefit.

When applying for social security benefits online, some participants had positive experiences but others had a bit more difficulty applying via telephone calls largely due to interpreting issues.

One common theme throughout both events was that your legal status has a profound impact on poverty levels in Scotland e.g those who have no recourse to public funds or indefinite leave to remain. Indefinite leave to remain was widely viewed as unfair and described as racial discrimination as the people who fall within this legal status pay the same tax and national insurance as others but do not get the same support (e.g. from social security).

Other participants also highlighted that there was a particularly harmful clause on student visas that prevents them from working more than twenty hours per week but they are not entitled to financial support or housing support. This means that they are pushed further into poverty with limited options on how to support themselves or family. It was felt that the cost of living crisis, while difficult for everyone, has had a disproportionate impact on this group. One group of participants particularly felt that it was unfair that students who now come to Scotland have to pay tens of thousands of pounds for health insurance despite the fact most of the students work and pay national insurance. This was viewed as unfair as health is a human right.

One group in particular spoke about the stigma associated with claiming benefits, particularly among ethnic minority communities. Particularly families whose parents have taught them that 'life is a contribution' and they have always worked, but when something happens and they can no longer work they feel 'guilty' for asking for support.

Across both events, there was a consensus that poverty has gotten worse in recent years, rent has got higher, food is more expensive but wages are staying the same. Additionally it was felt that there is a lack of support available, particularly for those who are most vulnerable of being in poverty or in work poverty. One participant

suggested that introducing free school meals for all in High Schools would help families, especially during the cost of living crisis.

Direct quotes

“Scotland is supposed to treat people more equally and be more progressive than England, but this is not the case for many people especially on those who are on Indefinite leave to remain”

“International students have to pay tens of thousands of pounds for health insurance despite the fact most of the students work and pay national insurance. This is unfair as this is a human right”

“You see people who have their children in school then they lost their job, they cant change their visa, the children aren’t entitled to anything, they now can work. What can they do? The visa system stops people

“You have no right to work. You have no right to claim anything. That becomes your norm. So you have less but you feel guilty to ask for help. You feel OK when you are working but claiming benefit seems not normal”

“Social security is for you, not for us”

“We are working and poor”

Health

People of Ethnic Minority backgrounds face higher risks of COVID-19 complications due to pre-existing health conditions. Structural inequalities contribute to higher rates of diabetes, obesity, hypertension, and cardiovascular disease among ethnic minority communities.

Many ethnic minority groups report negative experiences in healthcare settings due to cultural insensitivity. Lack of consideration for cultural requirements creates barriers to accessing services, affecting healthcare seeking behaviours and health outcomes.

What have Scottish Government said

The Scottish Government worked to prioritise COVID-19 vaccinations for Ethnic Minority communities, launching an inclusive planning and delivery criteria in April 2021.

The Scottish Government is taking steps to tackle racism in health and social care settings.

What communities said

All participants felt that there were significant problems in accessing healthcare, particularly during and after the Covid-19 pandemic. This was largely due to the ways in which you can access health care being moved online. Participants felt that this excludes those who do not have access to digital equipment and those who are not digitally literate.

One particular group of participants worked for the NHS as nurses and were on the front line during the Covid-19 pandemic. Many of the participants reflected that there was a lot of information and evidence saying that ‘BME people were more vulnerable to Covid-19 and there was a higher mortality rate’. This resulted in these participants feeling scared. Given this information, the participants were then confused because when they went to work in the hospital, the hardest hit wards were all full of BME student nurses. Participants shared that they were scared they were going to die and declined to work those shifts in those wards. However, this meant they weren’t offered any other shifts, resulting in loss of income. Participants then shared that they agreed to work those shifts even though they knew they were at a higher risk, they described having to come to terms with the fact they might die because of work.

On the whole participants felt that vaccine roll out was ‘ok’ and that the Scottish Government did what they could. Most participants had heard about the vaccine rollout via letter but were unaware of targeted community engagement information sessions on vaccine rollout by Public Health Scotland. Some participants shared that they had trust issues with the vaccine, reporting that they didn’t take vaccine because they thought ‘it would kill them’. Some participants were confused as to why the Government were so interested in EM communities – stating that ‘we are dying, we

have no food because we aren't working and now they are trying to get us to take this vaccine”.

One participant felt that it was important to acknowledge what was done well during the vaccine rollout. This participant shared that they were awarded a small grant to produce a leaflet and video to raise awareness of vaccine.

Many participants felt that they had to get the vaccine in order to travel or go places. At the time of vaccination they were not told what vaccine they were given. Now there is new information about vaccinations and their side effects so it has left participants feeling confused and worried.

In terms of racism within health services, some participants had positive experiences, stating that the health service is the only positive service they interact with. However others had negative experiences due to: negative interactions with doctors and decision makers; the lack of information available and the lack of flexibility to support them as patients. One participant shared that they had been wrongly told they had symptoms of cancer during a phone consultation and after waiting for a scan for over a year, the doctor didn't know anything about any potential cancer. This had a profound impact on this person's life, they left college and for the a whole year thought they had cancer when in fact this was not true. Another participant described feeling racial discrimination in A&E, stating that hospital staff will see 'the white patients more quickly or they will send BME patients home from the triage or they will be last in line'. Another participant added that not speaking English is a barrier to accessing health service and that they feel they have to 'make a drama to be seen'.

As noted in the hate crime section, at one community event many of the participants worked within the NHS and described the racism they experience everyday from patients. They described how difficult it can be to balance their duties as a care provider and their own wellbeing. They described not knowing what to do in these situations, whether it is a police matter or the NHS should be doing more to protect their staff.

In terms of making complaints within the health service some group members thought that people do not have the evidence to make complaints or be taken seriously. Others thought that they were taken seriously when they did complain about things, while more indicated that they did not see the value in complaining. One participant shared a story about their mothers negative experience with the health service. The participant's mother was released from hospital after surgery and was told on numerous occasions to go to the GP surgery to pick up prescription but it was never there. Once she finally collected her prescription, the prescription was wrong and the GP told the patient that they should have 'just bought the medicine'. The participant felt that this was unjust as we are all entitled to free prescriptions in Scotland. The participant wrote a letter of complaint on her mothers behalf and was told she would receive a reply in 28 days. When the health service responded, the participant felt that the reply was unsatisfactory, there was no apology nor any remedy.

Overall, the participants felt that things had regressed in health care especially in terms of accessibility. Participants felt that during and post-Covid-19 pandemic, the digitalisation of accessing health services had severely impacted their right to health. Other participants again noted that everyone acknowledges racism and discrimination exists in health care but no action is taken- it is the system that is failing. This was particularly acute during and post-Covid-19.

Direct Quotes

“It is difficult because you know sometimes the patient does not have the capacity, but it still upsets us. What can we do?”

“Nurses and other professionals are overstretched and not perfect, but they are individually kind and trying to do their best”

“If you give up, you lose your rights!”

“The Scottish Government is trying their best. It’s important to reflect the good things too. During Covid the Scottish Government was very helpful.”

Additional views

During our conversations with participants, it was highlighted on numerous occasions that there are crossovers between all topics and that they are all interdependent and interrelated.

Through these conversations other areas of concern were raised specifically around housing and transport.

Many participants shared that housing is a real concern for them, one participant shared that they are category A, top priority, but have been waiting months to be given a house. This person described this experience as racism as there were many empty houses lining the streets in their community.

Many participants spoke about their experiences of racism and hate crime on public transport, particularly on public buses. This is particularly from bus drivers and the lack of accountability when they report or complain about the bus drivers. Participants felt that young people on trains and buses 'get away with anything', stating that they will shout, make rude gestures and then run away. Many participants reflected that visibly Muslim women have 'horrific experiences' on public transport. One participant shared a story of their two friends who wore Niqab's, they had never experience racism before coming to Scotland. They now always go out in pairs because they are scared.

One participant spoke about the impact that the media and politicians have on racism, noting in particular that when Boris Johnston made a comment about letter box and people wearing Niqabs, people would repeat it to them.

Finally, many participants felt that they had experienced unfair treatment in employment, specifically that access to appropriate employment(reflective of their qualifications) was limited. One participant added that despite having many degrees and qualifications, they still only have access to low level jobs and opportunities.

Priorities

Participants were asked to share what was most important to them in Scotland's journey of eliminating racial discrimination:

Education
Hate Crime
Health
Poverty
Housing
Employment
Institutional racism
Immigration Visas/Status

Furthermore, at each event all participants and representative organisations were clear; they need to know more. Specifically about their rights and about new policies and legislation that is supposed to protect them from discrimination.