Submission to the United Nations Committee on the Elimination of Racial Discrimination

Alternative (Scotland) Report on
United Kingdom's
Twenty-fourth to Twenty-sixth Report

"We are human, not a statistic"

Submitted July 2024

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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.

This Alternative Report covers four themes that were highlighted in the Scottish Human Rights Commission's List of Themes: Hate Crime, Education, Social-Economic status and Health[1]. These themes were selected based on CEMVO Scotland's ongoing priorities and evidence base. This report is based on public consultation with Ethnic Minority(EM) communities carried out in May 2024[2]. Participants were asked to share

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[1] [CERD list of issues (scottishhumanrights.com)](#)
[2] For methodology, scope and information on participant data please read our full report: [“We are human, not a statistic” (cemvoscotland.org.uk)](#)

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

This submission is itemised following the UN's List of Themes and correlates to it's previous [Concluding Observations](). Each section provides Scottish context for the listed themes and where relevant provides an overview of the steps the Scottish Government[3] has taken to meet the provisions of CERD. Where relevant, sections also include recent statistics to give an indication on the realisation of rights in Scotland and summarises the views of EM communities. Finally sections conclude with a list of recommendations to ensure the progression of the state's obligations under ICERD.

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[3] listed in UK [state report]()

Convention in domestic law and the institutional and policy framework for its implementation (arts. 1 and 2), Concluding Observation 7

Incorporation

In the state report, the Scottish Government reiterated their commitment to consulting on a Scottish Human Rights Bill to incorporate four international human rights conventions into Scots Law, subject to devolved competencies. This consultation process was carried out between June-October 2023, with the analysis published in January 2024.

During the consultation period, CEMVO Scotland carried out community engagement events to understand the concerns and hopes of ethnic minority communities in Scotland of incorporating ICERD into Scots Law. The consensus was clear that 'incorporation of international human rights law could improve inequalities' because in reality, human rights were seen as a privilege and 'not for us'[4].

CEMVO Scotland is concerned that the mode of incorporation being considered by the Scottish Government will not lead to any substantive changes to current legal protection of those who experience racial discrimination.

Additionally amongst the sector in Scotland, there is a concern about the delay in the legislative process of the Bill[5] and we urge the Scottish Government remain committed to their promise of Scotland's Human Rights Bill and to continually engage with communities and relevant stakeholders in the process.

Policy

The Race Equality Framework 2016-2030 set out the Scottish Governments goals and visions and realisation of these visions were to be achieved by Action Plans (A Fairer Scotland for All: Race Equality Action Plan 2017-2021 and Immediate Priorities Plan launched in 2022)[6]. These are targeted policies to achieve equality and fall within the Equality Act 2010 framework. Research[7] and our own experience of working with

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[4] Read our full report here: Have-Your-Say-Scotlands-Human-Rights-Bill-PDF.pdf (cemvoscotland.org.uk)
[5] Human Rights Consortium Scotland – Civil society network to protect human rights in Scotland (hrcscotland.org)
[6] Anti-Racism in Scotland - Progress Review 2023: The Race Equality Framework and the Immediate Priorities Plan (www.gov.scot)
[7] CEMVO Scotland, review of the Operation of the Public Sector Equality Duty Scotland, April 2022. Available at: MergedFile (cemvoscotland.org.uk)
CRER, Public Sector Equality Duty Review: Joint Submission by Equality Stakeholders, April 2022, available at:
https://static1.squarespace.com/static/615c1bee105b4f55a98326d0/t/62542d161bfbe405d55c7d37/1649683737172/1649680880_PSED-review-equality-stakeholders-common-concerns-April-2022.pdf
https://www.gov.scot/publications/crer-ant-racist-policy-making-scotland-review/pages/4/

Scottish Government Directorates, continues to show that these policies consistently lack implementation and accountability meaning that we have seen very little improvement in terms of compliance, monitoring and achieving race equality. To improve this, the Scottish Government has an opportunity to incorporate ICERD, within devolved competence, and place a duty to comply on public bodies and relevant private actors. This could improve the accountability and implementation of policies and legislation that take steps to realise the basic human rights of EM communities.

CEMVO Scotland accepts the recommendations of the independent Anti-Racism Interim Governance Group and the reflection of Critical Race Theory in the establishment of the Anti-Racism Observatory for Scotland.

> *Recommendations:*
>
> - *The Scottish Government remain committed to their 'maximalist approach' to incorporating ICERD into Scots Law within devolved competence.*
> - *The Scottish Government value the Ethnic Minority voluntary sector when establishing and resourcing Anti-Racism Observatory for Scotland, ensuring that the expertise of the sector is not overlooked.*

Racist hate speech and hate crimes (arts. 2, 4, 6 and 7)

Article 4, Concluding observations 16

Hate Crime

The Scottish Parliament passed the Hate Crime and Public Order Act in 2021 to update and modernise existing laws against hate crimes. To support this, the Scottish Government launched a refreshed Hate Crime Strategy in March 2023. The Hate Crime and Public Order (Scotland) Act came into effect April 1st 2024. This was followed by a Delivery Plan launched in November 2023.

CEMVO Scotland welcomes the important changes to existing hate crime law that the Act brings, including better reporting of hate crime statistics, the addition of age as a protected characteristic and the reclassification of variations in sex characteristics, and the expansion of the stirring up hatred offence to cover all the protected characteristics of the Act. As a member of the Scottish Government Hate Crime Strategic Partnership Group(HCSPG),we are glad to have been involved in the process of developing the strategy for implementation. The enactment of this legislation saw a rise in misinformation and hate social media and mainstream media[8].Outlined in a co-signed letter from a fellow stakeholder, the HCSPG wrote to the Scottish Government stating that they were "very disheartened to see the intense negative reaction that its implementation has received, both at home and internationally, and online as well as in traditional media"[9]. The Scottish Government has since acknowledged that they 'could have done more to inform people about the Act as well as our wider approach to tackling hate crime'(Minister for Victims and Community Safety Response letter, June 2024)[10].

Recent statistics:

In Scotland, the police recorded 6,257 hate crimes in 2022-23. This is 10% (or 670) lower than in 2021-22 and the lowest number since 2014-15. Race-related hate crime is the most commonly recorded type of hate crime (accounting for 3,145 of 5,738 charges in 2022-23).[11]

There has been a decrease since 2014-15 in the number of recorded hate crimes that included a race aggravator (down 27% from 5,178 crimes to 3,767 crimes by 2022-23). There has also been a fall in those that included a religion aggravator (down 27% from 682 in 2014-15 to 501 in 2022-23).[12]

Current processes of analysing hate crime data from Police Scotland states that 'any crime with multiple aggravators will be included in the figures for each of the

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[8] What is the Hate Crime Act, and why is it so controversial? (scotsman.com)
Half of Scots want new Hate Crime laws binned | The Scottish Sun
[9] Scottish-Third-Sector-Hate-Crime-Letter.pdf (equality-network.org)
[10] At time of writing, this letter was not published for public viewing
[11] 1 (www.gov.scot)
[12] 1 (www.gov.scot)

aggravators associated with it. For example, if a crime was aggravated by race and sexual orientation, it will be included in the total number of crimes with a race aggravator and in the total number of crimes with a sexual orientation aggravator. This means the total number of crimes for each aggravator will sum to more than the total number of recorded hate crimes in Scotland.'. CEMVO Scotland are concerned that this approach to analysing hate crime data will not capture intersectionality and therefore targeted and tailored support cannot be enacted to reduce such hate crime or support victims.[13]

Section 15 of the new Act that states that annual reports containing the more detailed analysis will be produced for the years of 2024-25 onwards[14].

Latest analysis on reported hate crime, states that there has been a decrease in hate crime (including race aggravator) by 27% since 2014-15[15]. From our extensive community engagement work, people experiencing race aggravated hate crime felt that hate crime has got worse and more frequent in Scotland[16]. This concludes that there remains a gap between experiences of hate crime and reporting it.

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

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[13] 1 (www.gov.scot)
[14] 1 (www.gov.scot)
[15] 1 (www.gov.scot)
[16] "We are human, not a statistic" (cemvoscotland.org.uk)

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.

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 experienced racism before coming to Scotland. They now always go out in pairs because they are scared.

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 from the police – where can I go then?

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

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

"I don't believe that if I report something that they will take it seriously"

"I was caring for someone in hospital... she was shouting get out my country. We have an ethical code as nurse but we also hear this a lot. It upsets me"

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

> *Recommendations:*
>
> - *Police Scotland and Scottish Government work together with NGOs to review the data collection and analysis process and ensure that it captures multiple characteristics i.e. intersectionality.*
> - *The monitoring and evaluation of hate crime data analysis reports improves to ensure that targeted actions are taken where necessary to improve the implementation of the Hate Crime Act.*
> - *Increase the funding and resources to work in partnership with NGOs develop the capacity of those who may experience racial hate crime to be able to identify what a hate crime is and what to do if it happens.*
> - *Increase the resources of Third Party reporting centres and support an awareness campaign to identify where centres are and what they do.*
> - *Support and effectively resource the Hate Crime Delivery Plan 2023.*

Media

Media outlets play a significant role in public perception and information. Throughout CEMVO Scotland's work, we are continuously told by communities that the rise in hate crime is stemming from misinformation and misrepresentation in the media including social media. This can often incite hatred and put people more at risk of being a victim of a racially aggravated hate crime. For example, former Prime Minister Boris Johnson making comparisons between women who wear a Niqab and a letterbox. Communities felt a rise in hate crime during the COVID-19 pandemic, including but not exclusively those of Chinese origin or appearance.[17] As reported by CRER, 'this racist abuse appeared to be based on the misinformed view that those of Chinese origin or appearance were 'vectors' of COVID-19 transmission and were 'to blame for the pandemic'[18].

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[17] CHaokip T. From 'Chinky'to 'Coronavirus': racism against Northeast Indians during the COVID-19 pandemic. Asian Ethnicity 2021;22(2):353-73.
[18] GCPHCOVIDMicroBrief3BME.pdf (squarespace.com)

What communities said

Communities felt a rise in hate crime during the COVID-19 pandemic, including but not exclusively those of Chinese origin or appearance.[19] As reported by CRER, 'this racist abuse appeared to be based on the misinformed view that those of Chinese origin or appearance were 'vectors' of COVID-19 transmission and were 'to blame for the pandemic'[20]. Participants stated that the rise in racism in the media and by politicians all contributed to more incidents of racism and hate crime.

Recent statistics

In 2018, it was reported that Islamophobia rose by 375% after Boris Johnson 'compared Muslim women to letterboxes'[21]. Boris Johnson do not receive any punitive action from the Conservative Party and went on to become Prime Minister in 2019. Former Deputy Chairmen of the Conservative party stated that 'Islamists have got control of Sadiq Khan'[22], Mayor of London.

Direct Quotes

"when the media and politicians say racist things, it makes it worse. When Boris Johnston made a comment about letter box and people wearing Niqabs, people would repeat it to

Recommendation:

- *Support the development and promotion of voluntary standards of reporting issues which relate to immigration and ethnicity*

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[19] CHaokip T. From 'Chinky'to 'Coronavirus': racism against Northeast Indians during the COVID-19 pandemic. Asian Ethnicity 2021;22(2):353-73.
[20] GCPHCOVIDMicroBrief3BME.pdf (squarespace.com)
[21] https://www.independent.co.uk/news/uk/home-news/boris-johnson-muslim-women-letterboxes-burqa-islamphobia-rise-a9088476.html
[22] https://www.independent.co.uk/news/uk/politics/islamophobia-meaning-tories-lee-anderson-b2503034.html

Situation of national or ethnic minorities (arts. 2–7) Article 5, Concluding Observation 31

Health

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.

Recent statistics

18% of ethnic minority staff in all pay bands across the NHS reported experiencing discrimination from patients or other members of the public, compared with 4.6% of White staff.[23]

14.5% of ethnic minority staff reported experiencing discrimination from a manager or other colleague, compared with 6% of White staff.[24]

Deaths among people of Chinese ethnicity and people of Indian ethnicity were almost twice as likely to involve COVID-19 than deaths of people of White Scottish ethnicity.[25]Difficulties in accessing GPs and other essential medical care due to lack of support available for asylum seekers, including but not only shortages of translators[26]. In clinical terms some BME populations are susceptible to critical complications of COVID-19 due to the increased likelihood of having pre-existing health conditions and comorbidities.[27]

Structural inequalities drive increased diabetes, obesity, hypertension and cardiovascular disease (CVD) prevalence across BME communities and South Asians in particular and are the main risk factors for COVID-19 mortality[28]

BME groups have consistently reported negative experiences within culturally insensitive healthcare services. A lack of consideration of the cultural requirements of some BME groups within healthcare settings creates barriers, inhibits access to services, and adversely influences healthcare seeking behaviours during illness, prior to and during the pandemic.[29]

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[23] Experiences from health and social care (equalityhumanrights.com)
[24] Experiences from health and social care (equalityhumanrights.com)
[25] Report (nrscotland.gov.uk)
[26] coe-european-social-charter-2021-shrc.pdf (scottishhumanrights.com)
[27] Inside Housing - News - Outsourcers win £2.9bn of asylum seeker accommodation contracts
[28] Whincup PH, Gilg JA, Papacosta O, et al. Early evidence of ethnic differences in cardiovascular risk: cross sectional comparison of British South Asian and white children. Bmj 2002;324(7338):635 GCPHCOVIDMicroBrief3BME.pdf (squarespace.com)
[29] GCPHCOVIDMicroBrief3BME.pdf (squarespace.com)

Historically, minority ethnic groups who struggle to effectively access healthcare have had increased rates and earlier onset of disease, more aggressive progression of disease, and worsened survival rates.[30]

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 they 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 they 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

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[30] Williams DR. Miles to go before we sleep: Racial inequities in health. Journal of health and social behavior 2012;53(3):279-95

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 every day 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 mother's 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 the patient doesn't have the capacity, but it still upsets us."	"If you give up, you lose your rights!"

"During Covid the Scottish Government was very helpful."

> **Recommendation:**
>
> - *Work in partnership with NGOs to co-design a robust and effective complaints policy for public health services that captures covert and overt racism experiences from both service users and staff.*
> - *Working in partnership with NGOs and community groups to raise awareness of health services*
> - *Improve on accessibility of health information and access of services by investing in translators and interpreters*
> - *Work in partnership with NGOs to improve the collection and disaggregation of Scottish Health (workforce and patients) data*

Article 5, Concluding Observation 17

Social-Economic Status

The Scottish Government have introduced many social security benefits (10) to reduce poverty in Scotland. Despite evidence showing the high percentage of EM families living in poverty and an increase in EM children living in poverty, uptake in benefits is low compared to White families.

In Scotland, Black and minority ethnic (BME) people are twice as likely to experience poverty as white Scottish/British people[31]. Ethnic minority children represent a disproportionate number of children in poverty.[32] The COVID-19 pandemic and current cost of living crisis worsened and exacerbated this as BME groups were severely economically impacted and so continue to struggle with living in poverty. The outcome of this is that more BME families and children are living in poverty[33]. In 2020, official Scottish Government statistics showed that '38% of children from minority ethnic families were in relative poverty with 34% in absolute poverty'[34]. When including relative poverty, Joseph Rowntree Foundation (JRF) suggest that it could be as high as 48%.[35] Despite numerous attempts to reduce child poverty in Scotland, in recent years rates of poverty in ethnic minority families have risen across all child poverty measures[36]; appearing 'to be the only one of the child poverty priority groups for whom poverty is still rising'[37].

In Scotland, levels of poverty are usually measured by household. Using data based on the highest earner[38], between 2018-23, the poverty rate after housing costs was: 50% for Asian or Asian British' ethnic groups in Scotland; 51% for 'Mixed, Black or Black British and Other' ethnic groups and 22% and 18% for "White: Other" and "White: British" respectively.

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[31] https://www.crer.org.uk/blog/race-and-poverty#:~:text=In%20Scotland%2C%20someone%20from%20a,a%20white%20Scottish%2FBritish%20background.

[32] https://www.crer.org.uk/blog/race-and-poverty#:~:text=In%20Scotland%2C%20someone%20from%20a,a%20white%20Scottish%2FBritish%20background.

[33] https://static1.squarespace.com/static/615c1bee105b4f55a98326d0/t/63402dd9c5d4a10c2e7d6134/1665150614233/LCPARs+Report+2020-21.pdf

[34] https://static1.squarespace.com/static/615c1bee105b4f55a98326d0/t/63402dd9c5d4a10c2e7d6134/1665150614233/LCPARs+Report+2020-21.pdf

[35] https://www.jrf.org.uk/race-and-ethnicity/ethnicity-poverty-and-the-data-in-scotland

[36] https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/08/tackling-child-poverty-delivery-plan-second-year-progress-report-2019-20/documents/tackling-child-poverty-delivery-plan-second-year-progress-report-2019-20/tackling-child-poverty-delivery-plan-second-year-progress-report-2019-20/govscot%3Adocument/tackling-child-poverty-delivery-plan-second-year-progress-report-2019-20.pdf

[37] https://www.crer.org.uk/blog/how-much-of-a-priority-are-black-and-minority-ethnic-children-in-tackling-poverty

[38] https://data.gov.scot/poverty/#Ethnicity

The Child Poverty Action Group found that 'children from Black and minority ethnic groups are more likely to be in poverty: 46 per cent are now in poverty, compared with 26 per cent of children in white British families'[39]

 Joseph Rowntree foundation have reported that 'poverty levels in general have been rising and high inflation is compounding income inequalities. People from minority ethnic communities experience a three-times higher rate of in-work poverty than white workers[40]'.

According to equalities data analysis published in March 2023 by Social Security Scotland approximately '6% of people in receipt of devolved benefits identify as being from a minority ethnic background.The second largest ethnic group was 'Asian, Asian Scottish or Asian British', accounting for 3% of the total[41].' There is an 8% gap in approval rates between White applicants (81%) and Asian (73%) and African (73%) applicants to Social Security Scotland[42].

The Child Poverty (Scotland) Act was passed by the Scottish Parliament in 2017[43]. The Scottish Government has outlined its approach to reaching its targets (set out in the Act) through its Child Poverty Delivery Strategy 2022-26. One of the six priority family types identified in the strategy is ethnic minority families. The annual progress report by the Scottish Government shows that there has been little progress in reduction of absolute poverty for children in ethnic minority families (35% between 2011 and 2014 to 34% between 2019 and 2022). There has also been a rise in the percentage of children from ethnic minority families in relative poverty (33% to 39% over the same data period)[44].

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,

[39] https://cpag.org.uk/child-poverty/child-poverty-facts-and-figures
[40] https://www.jrf.org.uk/poverty-in-scotland-2023
[41] https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2023/08/social-security-scotland-client-diversity-and-equalities-analysis-to-march-2023/documents/social-security-scotland-client-diversity-and-equalities-analysis-to-march-2023/social-security-scotland-client-diversity-and-equalities-analysis-to-march-2023/govscot%3Adocument/Client%2Bdiversity%2Bto%2BMarch%2B2023%2B-%2BPublication.pdf
[42] https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2023/08/social-security-scotland-client-diversity-and-equalities-analysis-to-march-2023/documents/social-security-scotland-client-diversity-and-equalities-analysis-to-march-2023/social-security-scotland-client-diversity-and-equalities-analysis-to-march-2023/govscot%3Adocument/Client%2Bdiversity%2Bto%2BMarch%2B2023%2B-%2BPublication.pdf
[43] https://www.legislation.gov.uk/asp/2017/6/contents/enacted
[44] https://data.gov.scot/poverty/#Ethnicity

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

"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"

"We are working and poor"

"Social security is for you, not for us"

"The visa system stops people from working."

> *Recommendations:*
>
> - *In collaboration with NGOs and community groups, develop a targeted awareness raising campaign on devolved social security benefits and how to access them*
> - *In collaboration with NGOs, mainstream anti-racism training across social security delivery partners and monitor and evaluate its uptake and impact*
> - *Improve accessibility of services via translated information documents and quality and availability of interpreters*
> - *Scottish Government to take more action, within devolved competence, to ensure those with restricted visas/no recourse to public funds have their right to adequate standard of living respected, protected and fulfilled.*

Employment

Article 5, Concluding Observation 32

In December 2022, the Scottish Government launched **'A Fairer Scotland for All: An Anti-Racist Employment Strategy'. This strategy is a call for action and a guide to address the issues and disadvantage experienced by people from racialised minorities in the labour market in Scotland. It supports the general National Strategy for Economic Transformation and ambitions for Scotland to be a Fair Work Nation by 2025.**

Recent statistics

Ethnic Minority workers were around 'twice as likely as white workers to have insecure contracts and less likely to get the hours they wanted'[45]. The unemployment rate for ethnic minority communities is 'more than double that of the white unemployment rate'[46].

In the Scottish Government's Analysis of Labour Market Outcomes in 2019, Latest published estimates show that Scotland's Minority Ethnic Population (2019), the ethnicity pay gap was estimated to be 10.3%[47]. This report also highlighted that people from an ethnic minority background who also have a disability, have a lower employment rate than people from ethnic minority groups who do not have a disability.

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[45] https://www.jrf.org.uk/race-and-ethnicity/ethnicity-poverty-and-the-data-in-scotland
[46] https://www.jrf.org.uk/race-and-ethnicity/ethnicity-poverty-and-the-data-in-scotland
[47] https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/12/fairer-scotland-anti-racist-employment-strategy2/documents/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/govscot%3Adocument/analysis-labour-market-outcomes-scotlands-minority-ethnic-population.pdf

The report details that this 'illustrates the double disadvantage and labour market barriers faced by minority ethnic disabled people'. Latest statistics show there is a 22.2% employment gap between ethnic minority people with and without a disability[48].

In the Analysis of Labour Market Outcomes, it found that 'Scotland's working-age minority ethnic population are much more likely to have qualifications at 'degree (or higher) level' than the comparable white population (59% vs 35% respectively in 2021)'[49]. However, it also showed that 'employment outcomes for the minority ethnic population with degree level qualifications (or higher) still lag behind the white population'[50]. In 2021, the gap between ethnic minority employment rate and the white employment rate for those with degree level qualifications in Scotland was 13.5%. The report concluded that 'there has consistently been a gap larger than 10 percentage points in these rates in recent years[51]

Through CEMVO Scotland's extensive work with supporting the implementation and compliance of the Public Sector Equality Duty(PSED) and Fairer Scotland Duty(FSD) with the Fair Work and Labour Market Strategy Division (FWLMSD) and Equality, Human Rights and Inclusion Directorate, it is clear that one of the shortfalls of the PSED and FSD is the lack of accountability both legally and lack of implementation(as discussed in Article 2 section). We have also identified that in terms of implementing PSED and FSD, senior leadership 'buy in'/commitment is vital. This is currently lacking. The impact of this is that there is not a strategic approach to mainstreaming race equality work and quite often, particularly in large public bodies with the most legal responsibility, it is not systemic change that is achieved, rather small piecemeal work.

What communities said

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.

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[48] https://www.gov.scot/publications/poverty-and-income-inequality-in-scotland-2017-20/

[49] https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/12/fairer-scotland-anti-racist-employment-strategy2/documents/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/govscot%3Adocument/analysis-labour-market-outcomes-scotlands-minority-ethnic-population.pdf

[50] https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/12/fairer-scotland-anti-racist-employment-strategy2/documents/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/govscot%3Adocument/analysis-labour-market-outcomes-scotlands-minority-ethnic-population.pdf

[51] https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/12/fairer-scotland-anti-racist-employment-strategy2/documents/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/analysis-labour-market-outcomes-scotlands-minority-ethnic-population/govscot%3Adocument/analysis-labour-market-outcomes-scotlands-minority-ethnic-population.pdf

Direct Quotes

"We get same degrees and same results as our white peers but we don't get jobs"

"There is a glass ceiling effect in employment, we can only progress so far because of indirect discrimination/racism and because of our legal status".

Recommendations:

- *Working with NGOs to develop and implement a more robust monitoring and evaluation process*
- *Continue to improve data collection and analysis of ethnic minority labour marker*
- *Working in collaboration with NGOs and community groups, utilise the labour market data for positive action measures*
- *Explore firmer obligations on public bodies and relevant actors to meet their Public Sector Equality Duties and Fairer Scotland Duties*

Training, education and other measures to combat prejudice and promote understanding (arts. 5 and 7), Concluding Observation 35

Education, Article 7

In summer 2020, around the time of the Black Lives Matter movement, the Scottish Government stated that Scottish Ministers received 'thousands of pieces of correspondence on the subject[racism in schools] which outlined some shocking experiences of racism in schools'. The Scottish Government established an Anti-Racism in Education Programme(AREP) in 2021 in order to 'bring together separate pieces of work underway to tackle racism in Scottish Education'[52]. The primary role of the working group is to develop resources for schools to prevent and respond to racism and racist incidents, including strengthening approaches to recording and monitoring, and developing guidance on a whole-school approach to anti-racism.

It focuses on four key areas:

1) racism and racist incidents in schools
2) diversity in the teaching profession and education workforce
3) curriculum reform
4) educational leadership and professional learning

The AREP Summit was delayed for the second time in May 2024 due to the resignation of former First Minister of Scotland, Humza Yousef. The aim of the Summit was to introduce a Commitment (previously referred to as 'the pledge') for organisations(such as local authorities) to sign up to[53]. There is ongoing discussion within Scottish Government around educational reform in general e.g. National Discussion on Education Public Consultation. CEMVO Scotland's response can be found CEMVO-Scotland-National-Discussion-on-Education.pdf (cemvoscotland.org.uk)

Recent statistics

The ways in which racist behaviour is recognised, addressed and recorded in schools can lead to low confidence in reporting incidents. Recent reports confirm that 'racially motivated bullying is one of the most common manifestations or racism in Scottish education'[54]. Between 2020-2021, data showed that there were '1198 instances of racially motivated bullying in Scotland's schools, the highest level recorded to date'[55]. This was an increase from '409 reported incidents in 2016-2017'[56].

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[52] Anti-Racism in Education Programme: factsheet - gov.scot (www.gov.scot)
[53] Diversity in the Teaching Profession and Education Workforce subgroup minutes: January 2024 - gov.scot (www.gov.scot)
[54] Frontiers | Teacher responses to racially motivated bullying in Scotland (frontiersin.org)
[55] Anti-bullying policies failing to address racism in Scotland's schools | The National
[56] Frontiers | Teacher responses to racially motivated bullying in Scotland (frontiersin.org)

However we believe that this is only the tip of the iceberg due to issues of underreporting and failures of the reporting system.

The Scottish Government have stated that they are committed to the 'the ambition that by 2030 4% of the teaching population will identify as being Black or minority ethnic'. Data published by Scottish Government in 2023 show that there is improvement in secondary education(2.3%) but primary education remains low (1.2%). The Scottish Government have estimated that to meet their target, approximately 10% of all new teachers will need to come from an ethnic minority background. Currently only 3% of new teachers identify as an ethnic minority.[57] Furthermore, there continues to be lower representation of ethnic minority probationers finding employment after completing their probationary year compared to the whole probationer population. The Teacher Induction Scheme reports from 2021 report the difference as 23% from an ethnic minority background compared to 50% of the whole probationer cohort.[58]

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

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[57] Diversity in the teaching profession: annual data report - gov.scot (www.gov.scot)
[58] Diversity in the teaching profession: annual data report - gov.scot (www.gov.scot)

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"

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

"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"

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

"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"

[Discussing positive approaches to handling racist incidents in school] "the teacher tried to explain [to the class] how people can have different colour skin and how people have different cultures. The teacher sometimes wrote the words in English and asked him to translate, they really empowered him."

Recommendations:

- *Work with education stakeholders and NGOs to promote good approaches to tackling racism in education*
- *Monitor and evaluate education establishments delivery and impact of AREP*
- *Monitor and evaluate education establishments recording and handling of racism and racist incidents*
- *Implement a mandatory collection of incidents of racism and racist incidents in all education establishments*
- *Working with education stakeholders and NGOs improve the collection of data*

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