



**Submission by CRER to the United Nations
Universal Periodic Review
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Introduction

The Coalition for Racial Equality and Rights (CRER) is an independent NGO working to eliminate racial discrimination and promote racial justice across Scotland. Through capacity building, research and campaigning activities which respond to the needs of communities, our work takes a strategic approach to tackling deep rooted issues of racial inequality. CRER has experience of anti-racist work covering areas such as community engagement and empowerment, research and resource development, practical training and equality mainstreaming support for public and voluntary sector organisations.

The research included in our report has been gathered from national data, studies completed by CRER and other NGOs operating in Scotland, as well as through conversations with communities, activists and key stakeholders.

CRER contributed to the United Nations Committee for the Elimination of Racial Discrimination review of the United Kingdom in August 2016. We support CERD's concluding observations and reiterate our concerns and recommendations that we would like to be considered as part of the United Kingdom's Universal Periodic Review.

Human Rights in Scotland

Following a referendum on Scottish devolution in 1997, where 74% of the Scottish electorate voted in favour of a Scottish Parliament, the Scotland Act 1998 created a Scottish government with full responsibility for functions and powers of government within Scotland as far as they extend to devolved matters. These included issues such as health, education, local government, housing, justice and policing. Additional powers were allocated to the Scottish Government in 2012 and again in 2016, with many people now agreeing that it is the most powerful devolved parliament in the world. We would recommend that the UN and state parties consider devolution in all policy areas that receive recommendations as failure to do so can hide the gaps in legislation and practise across all four nations.

Race Equality Framework for Scotland

The Scottish Government published its Race Equality Statement for 2008-2011ⁱ in December 2008; this has now finally been refreshed (in spring 2016) with the Race Equality Framework for Scotland 2016-2030ⁱⁱ. The five year gap between the statement and the framework is troublesome, as it is indicative of a time in which the Scottish Government and its stakeholders did not have a strategic plan in place to address race inequality.

The Race Equality Framework for Scotland 2016-2030 was developed in collaboration with race equality organisations, including CRER, and has incorporated engagement and feedback from 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.

Public Sector Equality Duty

The Equality Act 2010ⁱⁱⁱ includes a public sector equality duty. In Scotland, these are supported by the Scottish Specific Equality Duties^{iv}. The specific equality duties for Scotland came into force in May 2012 and 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. In practice, we find that these duties are not well enforced and that, while public authorities may publish information, it is often not detailed and many organisations often neglect to publish all the required information, with little, if any, action then taken to “use” the information gathered to actually combat inequality.^v With the application of the equality duty sporadic and current means of enforcement ineffective, state parties may wish to inquire about the monitoring practices surrounding the Scottish Specific Equality Duties, as well as the effectiveness of the duties and current enforcement of the duties, particularly in reference to race equality.

Education

The 2011 UK Census recorded 4% of the Scottish population as being from a (non-white) minority ethnic origin. In terms of educational attainment, the average tariff score achieved was higher for all non-white school leavers than for white Scottish pupils. There were a reported 1,274 racist incidents in Scottish schools between 2011 and 2012 – 730 in primary schools, and 544 in secondary schools.^{vi}

Overall, teachers did not report frequent or systematic racial incidents or bullying. There was not an unanimous approach about how to approach the issues, or whether racial bullying was different than other forms of bullying. Many thought racist incidents in school were on the decline or even rare.

However, racism, both direct and indirect, was a daily feature for many of the minority ethnic pupils interviewed, who recounted racist incidents, name-calling, harassment, and bullying both within and outwith the school. Some believed their school did not do enough to support them and prevent bullying. Among the staff of schools, some teachers believed some of their colleagues had issues in terms of equality, and race equality in particular, and were worried about racist and ignorant views of fellow teachers.

Further and Higher Education

A Joseph Rowntree Foundation study found that minority ethnic groups were overrepresented in the further education sector, which is disparate with their relatively lower participation in higher education and their overall higher rates of attainment at school-leaving age.^{vii}

This research also found that white Scottish students accounted for 82.5% of the total student composition in FE/HE, with (all) white ethnic students comprising 93.0%, and non-white minority ethnic students comprising 5.8% of the total. There is also considerable gender variation between ethnic groups. The majority of students were female in ten of the 14 ethnic categories. Chinese, white British, white other, and mixed ethnicities showed the highest female bias, whereas Caribbean, Indian, and Bangladeshi showed a strong male bias.^{viii}

Research published by CRER in 2013 found that in total, 5.6% of higher education students are from a minority ethnic background, which is lower than that of those in further education. The dropout rate was highest for the black and 'other' ethnic groups, with Asian and mixed ethnic groups having the lowest dropout rates.^{ix}

Employment

Despite the better (on average) educational attainment (at school), and their subsequent higher participation rate in higher or further education, non-white groups aged 25-49 have a significantly lower employment rate (55.2%) than their white counterparts (72%), and a higher unemployment rate (7.9% compared to 5.5%). Despite common mythology, the self-employment rate for white and non-white groups aged 16/24 and 25/49 are not significantly different (1.6% and 1.3% for 16/24, and 8.9% vs 9.6% for 24/49 year olds).^x

Application rates to most public sector organisations seem on par with the demographic expectations, but the compounded disparity between white and non-white applicants who are shortlisted and then appointed leads to a situation where 7.1% of all white applicants for public sector posts go on to be appointed, but where only 4.4% of non-white applicants get appointed. This figure is at its starkest in larger public sector organisations – where non-white minority ethnic applicants only have a 1.1% chance of being subsequently appointed, compared to 8.1% for their white counterparts. Even within local authorities, white applicants are almost three times more likely to be successful in securing a post than non-white applicants – 6.1% compared to 2.1%.

Housing

Based on the 2011 Scottish Government data we can see that the non-white minority ethnic population in Scotland are more likely to live in a household with dependent children or as students. Non-white minority ethnic communities have disadvantaged housing circumstances compared to the white ethnic population. According to the 2014 Scottish Household Survey, non-white minority ethnic communities are over-represented in private renting, but under-represented in home ownership and social housing.^{.xi}

According to the Joseph Rowntree Foundation, non-white minority ethnic households are likely to be in socially rented housing at a rate of only two-thirds the rate of white households, and are much more likely to be in private rented housing, with a rate four-and-a-half times greater than that of white households (25% vs 5.6%). While students account for a portion of this, the issue of access to social housing is of significant concern. Private renting could be an indicator of potential deprivation and vulnerability, as housing problems are more likely in this tenure and many private tenancies are short-term and do not offer long-term security. Additionally, private rent is typically twice the level of social rent, and may not be fully covered by local housing allowances. Among Gypsy/Travellers in particular, there are higher rents and electricity charges on sites compared to costs in social housing, contributing to a significantly disadvantaged socio-economic status.^{.xii}

Fear of racial harassment among minority ethnic communities hinders the integration of these communities, and impacts on the quality of life experienced within the home and neighbourhood. Fear and experience of racial harassment have a great impact on the housing decisions among asylum-seekers and refugees and other minority ethnic communities. In some cases, harassment drives individuals and families to other (often poorer quality) accommodation. Racist incidents in social housing remain under-reported due to unfamiliarity with the local authority and housing association's policies and procedures dealing with racial harassment.^{.xiii}

Health

In 2012 the Scottish Government published "The Scottish Health Survey: Topic Report on Equality Groups" which examined annual Scottish Health Survey (SHS) data between 2008 and 2011. Those who reported their ethnic group as Pakistani were least likely to rate their health as good or very good (66%) although due to small sample sizes this was not significantly different from the national average of 76%. However, although it is not statistically significant, this does corroborate with other research which found that Pakistanis in Britain are less likely to report good health than people from other ethnic groups.

Chinese respondents were the most likely to rate their health as good or very good (91%) and this was significantly different from the national average.

White British respondents had the lowest levels of wellbeing of all ethnic groups (mean WEMWBS score of 49.8). This was significantly lower than that the scores of white other (51.2), African, Caribbean or Black (53.7) and other Asian other (53.5) ethnic groups.

People from 'other' ethnic groups (25%), Pakistani (23%) and African, Caribbean or Black groups (18%) had the highest proportion of respondents with high GHQ12 scores but none of these was significantly different from the Scottish average (15%). People from Chinese and Asian other ethnic groups had the lowest proportion of high GHQ12 scores (both 10%), again not dissimilar from the national average.^{.xiv}

Mental health

In 2013 the University of Edinburgh reported that minority ethnic populations in Scotland received varying levels of support for their mental health. Their findings reported that South Asian and Chinese people in particular were often much later in entering mental health support services than other ethnicities. In most minority groups in the study those that went to hospital were significantly more likely to be treated under the Mental Health Act.

Authors noted that difficulties in diagnosing and treating mental illness among minority groups at an early stage goes some way to explaining their findings. In general a lack of awareness of support services available and reluctance to seek medical help due to social stigma within minority groups also contributed.^{xv}

Racist violence and hate crime

In 2013-2014, there were 4,807 racist incidents recorded by the police in Scotland, and 5,520 crimes recorded. The most common crimes recorded as a result were racially aggravated conduct (48%) and breach of the peace (28%). The majority of incidents occurred on the street, in a dwelling, or in a shop. Where the ethnicity was known, those with a Pakistani ethnic background were the most likely to be the victim or complainer of a racist incident recorded by the police per rate of the population, with 224 incidents per 10,000 of the population, followed by African, Caribbean, or Other Black background with 190 and Indian 104 per 10,000 of the population. The average across Scotland is 11 per 10,000 of the population. 90.4% of perpetrators were white British, with 95.3 from any white background. Where the result was known, 94.7% of incidents resulted in at least one crime being recorded, and 81.3% of perpetrators were referred to the Procurator Fiscal. This appears to be an increase, but comparison is cautioned due to issues with data collection.^{xvi}

However, data within this report is presented with “victim” and “complainer” within the same category, which clouds the data and does not make clear which ethnic groups are most often the victims of racist incidents, as the ethnicity recorded could either be the ethnicity of the victim or the complainer/bystander. Of the hate crimes reported to the Procurator Fiscal, racist hate crime is the most common with 3,785 charges in 2014-2015, and 569 religiously-motivated hate crimes reported. There has been a decrease of 9% in charges related to racially aggravated crimes, and a decrease in charges of racially aggravated harassment and behaviour coupled with an increase in charges related to other offences with racial aggravation.

Police complaints

Eleven individuals have died in police custody since Police Scotland was formed in 2013, including the high-profile case of Sheku Bayoh, a Scottish man originally from Sierra Leone, who was restrained and died in police custody in 2015. One of the principal police officers involved with this case has a history of violence and racism.^{xvii} There were significant delays from the officers involved in providing essential information to the Police Investigations and Review Commissioner, which has created difficulty in determining the cause of death. Campaigners have called for a thorough independent investigation into his death.

There is also significant concern about the under-representation of minority ethnic people in Police Scotland, with just 1% of police officers from a minority ethnic background, compared to a population which is 4% minority ethnic. Further issues regarding the recruitment, promotion, and retention of minority ethnic police officers has also been raised.

Minority ethnic communities are also concerned about the organisational culture of Police Scotland, and the presence of institutional racism. Groups have called for an external, independent review of institutional racism within Police Scotland, with minority ethnic community involvement. However, this perception stands in stark contrast to a statement made by the head of resource management for Police Scotland during a parliamentary inquiry who said, “We do not believe there is any significant institutional racism within Police Scotland – in fact, I would be astounded if there was any at all...”^{xviii}

Political participation

In the 2015 General Election, only one non-white minority ethnic MP was elected, accounting for 1.7% of Scottish MPs. In total, ten minority ethnic candidates stood for election, or 3.3% of the total.^{xix} In the 2011 Scottish Parliamentary Election, 16 minority ethnic candidates stood, accounting for 3.9%, although all but one party stood less than 4% (the percentage of minority ethnic individuals in Scotland). Only two were elected, or 1.6% of the total number of MSPs, as the candidates standing were often not placed in so-called winnable seats, or were placed low on regional lists.^{xx}

In the 2012 Scottish Local Elections, only 1.4% of elected councillors were from a minority ethnic background, and only seven of the 32 local councils have at least one minority ethnic councillor. The number of female minority ethnic councillors increased from zero in the last election to four, or 0.3% of all councillors.^{xxi} There has never been a female minority ethnic MSP.

There has been a concerning lack of diversity in the candidate pool for 2016 Scottish Parliamentary Election, with several parties not standing any minority ethnic candidates. The Equality Act 2010 allows for the reservation of places for those of different racial groups on their short lists for candidates, but no party did so for the 2016 election.

Jatin Haria
Executive Director
Coalition for Racial Equality and Rights
78 Carlton Place, Glasgow G5 9TH
Scotland UK
jatin@crer.org.uk
www.crer.org.uk

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