

## **The Views of People in Scotland: ICERD Lived Experiences Report**

Combined twenty-fourth to twenty-sixth periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland (UK) under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination

## Who we are

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The Scottish Human Rights Commission (SHRC) is the National Human Rights Institution (NHRI) for Scotland, accredited with A-status by the Sub-Committee on Accreditation of Global Alliance of National Human Rights Institutions. The SHRC was established by an Act of the Scottish Parliament in 2008. It has a general duty to promote awareness, understanding and respect for all human rights and to encourage best practice, including through education, training and awareness raising, and by publishing research.

SHRC has a number of powers including:

- The power to conduct inquiries into the policies or practices of
- Scottish public authorities.
- Recommending such changes to Scottish law, policy, and practice as it considers necessary.
- The power to enter some places of detention as part of an inquiry.
- The power to intervene in some civil court cases.

SHRC is one of the three NHRIs in the UK. SHRC is a member of the UK's National Preventive Mechanism (NPM) designated in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

For further information, contact us at [hello@scottishhumanrights.com](mailto:hello@scottishhumanrights.com)

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## Foreword

The Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is the international framework for tackling racism in every corner of the world. Although it was written in the 1960s, the Convention remains a critical tool to focus countries' efforts as we work together to address individual, social and structural forms of racial discrimination.

The UK recognised these rights in 1969 when we signed up as a member of the treaty. When we did so, every level of Government committed to not only ending discriminatory treatment, but also to substantive equality, i.e. taking steps to proactively improve the lives of every person affected by racism.

Recognising that every person has the right to live free from racial discrimination is only the first step. As Scotland's human rights watchdog, the Commission is all too aware that there remains far too big a gap between rights on paper and the daily lives of the people in our communities.

One of the ways we work to highlight and close this gap is through our role as the National Human Rights Institution to support the work of international human rights treaty bodies. These bodies are tasked with holding countries to account for their progress and failures to implement conventions like ICERD. The Commission has a responsibility to act as the bridge between these international systems and Scotland, sharing evidence and findings in each direction.

The Scottish Human Rights Commission recognises our responsibility to bring rights holders – the people protected by this and every other human rights treaty – into this work. While we produce a lengthy piece of research looking through statistics and public policies, it is critical that our findings are driven by the experiences that really matter to people.

This is why we commissioned two of Scotland's national intermediary organisations to bring together groups of people affected by racial discrimination in Scotland. On behalf of the Commission, I want to thank both BEMIS and CEMVO for their work in planning, facilitating and recording these events. I also want to thank everyone who participated in these. We know that sharing personal experiences of racism can be traumatic and that people do it to make a difference. We're deeply grateful to all those who took part and want to acknowledge how valuable their input is within this process.

Across five discussions, 75 people shared their expertise, experiences and opinions with us. Many stories showed instances of a failure of public bodies to protect people from hate, harassment and often violence. We heard that many people saw no benefit or incentive to report what happened to them, after many years and many experiences of inaction. Cycles that, they told us, are already repeating in schools

even as policies and programmes to address racism in the classroom and curriculum are being rolled out.

While our focus is on Scotland and what more can be done in devolved areas, we cannot ignore the scale and breadth of harms described to us as a result of the UK's immigration system and hostility to migration and asylum seeking. We were struck by how often the lack of access to public services like benefits and social security or the impacts of "paying twice" for access to the NHS affected how people spoke to us about these services; as though they had no relevance or ownership.

We recognise, of course, that the Scottish Human Rights Commission has our own work to do to understand and address the legacies of racism in Scotland and in the international human rights system. This of course includes inside our own organisation.

Our commitment is to listen, reflect on and use the discussions across these events not only in our ICERD reporting work, but for everything we do. I hope that you see the ways in which it has directed every aspect of our submission to the ICERD Committee in August 2024. And I hope that you'll continue to work with us to make sure that accountability for your human rights does not end with this review.

With our thanks,



Shelley Gray

Commissioner

## Context and Disclaimer

The following publications have been produced by CEMVO and BEMIS on the basis of a contract for services. As part of that contract, each organisation was required to run consultation events and produce the following written summaries. The Commission left it to the discretion of CEMVO and BEMIS to plan the discussion priorities. A staff member from the Commission attended four of the events to provide an introduction to the Convention and Treaty Body Reporting process.

The Commission has not restricted or edited the input from the discussions. Some general advice on structure was provided on the basis of drafts, however both BEMIS and CEMVO have had final say in how the information in each report is presented.

Participation is critical to the realisation of human rights. People must be involved in decisions that impact them. The views expressed are BEMIS and CEMVO's best effort to accurately capture the discussions across the events. Participants were offered an opportunity to review each report in advance of publication. The Commission's recognises the value in each individual contribution in addition to supporting our wider research.

This means that views and perspectives shared in the reports may not reflect the wider findings and views of the Commission.

In total, 75 people attended the events. Most attendees participated in a personal capacity. All attendees excluding those who attended in a paid, professional capacity were eligible for a 'token of thanks' to the value of £30, in line with the Commission's payment for participation policy.

The Commission has published these reports alongside:

1. An Easy Read summary of this report
2. Our parallel report
3. A plain English Executive Summary of our parallel report
4. An Easy Read summary of the Executive Summary
5. An earlier letter and submission to support the development of the List of Themes, which guides the UN Committee's review

***“We are human, not a statistic”***

***An ‘our words’ report of Scotland’s Human Rights and  
Racism Report Card***

***By Clare Gallagher, Human Rights Officer***

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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 Health<sup>1</sup>. 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.

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<sup>1</sup> [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 out of the 26 EM 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:

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

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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.



# Lived Experience Roundtable report to the Scottish Human Rights Commission

United Nations Convention on the Elimination  
of all forms of Racial Discrimination

June 2024





## **BEMIS Scotland Report to Scottish Human Rights Commission on UN CERD Lived Experience Engagement – May 29<sup>th</sup> and 30<sup>th</sup> 2024**

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### **Participants & format**

The lived experience UNCERD roundtables were held in the Merchants House Glasgow on Wednesday the 29<sup>th</sup> and Thursday the 30<sup>th</sup> of May. In addition 1 online meeting took place with the Grampian Regional Equality Council (GREC) on Wednesday 5<sup>th</sup> June.

Facilitation in the form of a round table discussion was hosted by BEMIS Senior Parliamentary and Policy Officer, Danny Boyle, with additional policy background and note taking support provided by BEMIS Director of National Development, Tanveer Parnez.

In addition, SHRC International Officer, Eilidh Dickson, engaged directly in both roundtable events by providing a contextual introduction presentation to the commission and CERD as well as providing clarifications throughout the discussions.

- Over the 3 sessions 29 / 30 May and online engagement with GREC on 5<sup>th</sup> June 43 people and 20 organisations attended the BEMIS / SHRC lived experience CERD roundtables.

- The session on the 29<sup>th</sup> of May was directed towards organisations working within the race equality and anti-racism sector. On the 29<sup>th</sup> of May there were 21 participants in total from across diverse ethnic minority communities and CERD A1 protected provisions.
- The session on the 30<sup>th</sup> of May was directed towards individual citizens and community organisations not in receipt of state funding support. Often there was a crossover between organisations attending on the 29<sup>th</sup> and the specific ethnic interests of citizens attending on the 30<sup>th</sup> of May. A total of 20 individuals attended on the 30<sup>th</sup> of May.

Participating organisations were;

The Scottish Council of Jewish Communities, Central Scotland Regional Equality Council, The Irish Voice, LGBT Unity Glasgow, The Scottish Hindu Foundation, FENIKS (Polish Support Network) Womens Integration Network, Forth Valley Migrants Support Network, The International Womens Group, No2Hate Scottish Forum, Sharpen Her (African Womens Group), Multicultural Family Base, Citizens Rights Project, Inspiring Families Development Network (Scotland), Call it Out (The Campaign Against anti-Irish racism and anti-Catholic bigotry in Scotland), Scottish Intercultural Association, Springburn Unity Network, HSTAR (Healed Scars – Trauma and Recovery Abuse) , Africa Global Community Project and Jhankar Beats.

Over the 3 sessions the following communities protected under the CERD A1 protected provisions of colour, nationality, ethnic or national origin were represented.

| <b>Ethnic Group</b>                             | <b>Count</b> |
|-------------------------------------------------|--------------|
| <b>African (Various)</b>                        | 11           |
| <b>Arab and North African</b>                   | 7            |
| <b>Hindu</b>                                    | 3            |
| <b>Indian</b>                                   | 2            |
| <b>Irish / Irish Descent and Irish Catholic</b> | 5            |
| <b>Jewish</b>                                   | 1            |

|                                      |           |
|--------------------------------------|-----------|
| <b>LGBT Asylum seeker</b>            | 2         |
| <b>Polish and other EU citizens</b>  | 3         |
| <b>Pakistani / Muslim</b>            | 4         |
| <b>Scottish Gypsy Traveller</b>      | 2         |
| <b>Scottish</b>                      | 2         |
| <b>Spanish and other EU citizens</b> | 1         |
| <b>TOTAL</b>                         | <b>43</b> |

- The sessions began with a presentation by Eilidh Dickson, Policy and International Officer for the SHRC on the relationship between the SHRC and CERD in holding the Scottish Government to account. This presentation was very helpful in setting the scene for attendees and acted as an accessible introduction to CERD focussed international human rights law and its relationship with Scotland.
- Following the SHRC presentation BEMIS Scotland Senior Parliamentary and Policy Officer Danny Boyle linked the CERD convention to our domestic race equality landscape. This included reflections on the Race Equality Framework 2016-30, the proposed anti-racism observatory for Scotland, key legislative areas such as the Equality Act and Hate Crime and Public Order Act (Scotland) 2021 and the Hate Crime Strategy for Scotland. In addition, we outlined that CERD has the capacity to make recommendations within key devolved areas of governance including health, education, social welfare and tackling poverty<sup>1</sup>.

### **CERD Recommendations**

Based on the notes taken across both meetings, BEMIS has summarised the following recommendations to support the Committee's scrutiny

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<sup>1</sup> Both the SHRC and BEMIS Presentations are included as an annex to this report. They include the questions used to prompt discussion with attendees.

- ✓ The next UK Government must end austerity that has crippled the application of the Equality Act 2010 and pushed more and more CERD A1 communities into destitution and poverty
- ✓ The UK Government should consider devolving aspects of immigration policy to the Scottish Government. This must include empowering the Scottish Social Security system to support all children in Scotland regardless of their parents' immigration designations.
- ✓ The No Recourse to Public Funds (NRPF) designation and system should be abolished.
- ✓ People seeking asylum must be allowed to work and receive health and social security support where required
- ✓ The Scottish Government must work with the new UK Government post 4<sup>th</sup> of July to either radically change the immigration system to allow asylum seekers to work, abolish NRPF and if the UK Government is unwilling to do this they must as a minimum remove Scottish Social Security benefits from the list of reserved benefits including the Scottish Child Payment
- ✓ The Scottish Government must ensure that a proposed Anti-Racism Observatory for Scotland complies fully with CERD A1, while retaining the capacity to instigate provision specific interrogations of structural issues across a wide policy and service provision environment
- ✓ The Scottish Government should reinvigorate the Race Equality Framework 2016-30 in conjunction with affected communities in response to the impacts of the pandemic, austerity and cost of living crisis.
- ✓ To protect the progression of the Race Equality Framework and any forthcoming Action Plans the Scottish Government must instigate a bespoke Race Equality Transformation Investment Scheme similar to previous interventions such as the Agricultural Transformation Scheme.
- ✓ When spending on national or regional procurement projects such as bridge building, road building, and house building etc.... targeted apprenticeship and employment opportunities must be contractually integrated. Skilled trades such as joinery, electricians and plumber are not reflective of the ethnic diversity of Scotland and these opportunities are not presently strategically available to ethnic minority communities despite being the main national spend on employment.

- ✓ Police Scotland and the Scottish Government must develop an ongoing and vigilant network of community engagement between racialised communities and core duty bearers responding to hate crime.
  - ✓ The Scottish Government and other duty bears must disaggregate ethnicity data to inform policy responses interventions. Often data is aggregated into racial classifications, and this obscures the experiences and needs of many CERD A1 communities.
  - ✓ The Scottish Government and duty bearers must instigate direct strategies and thematic studies to interrogate the relentless levels of disproportionate hate crimes and incidents affecting African, Caribbean and Black, Pakistani, Polish, Scottish Gypsy Traveller, Roma, Catholic, Muslim, Hindu, Sikh and Jewish communities. These communities must be directly part of this work.
  - ✓ The Scottish Government and other duty bearers must stop re-classifying communities' self-identified experiences, reflected in multiple data sets, as something else. For example, if an issue pertains to anti-Catholicism or anti-Irish racism then name it as such and not 'sectarianism'.
  - ✓ In addition while Islamophobia and antisemitism are well recognised societal issues we have heard consistently that 'Hinduphobia' is not well understood. For the hate crime strategy for Scotland to be successful it is important that the Hindu and other communities who feel excluded have an opportunity to effectively participate in decisions that affect them.
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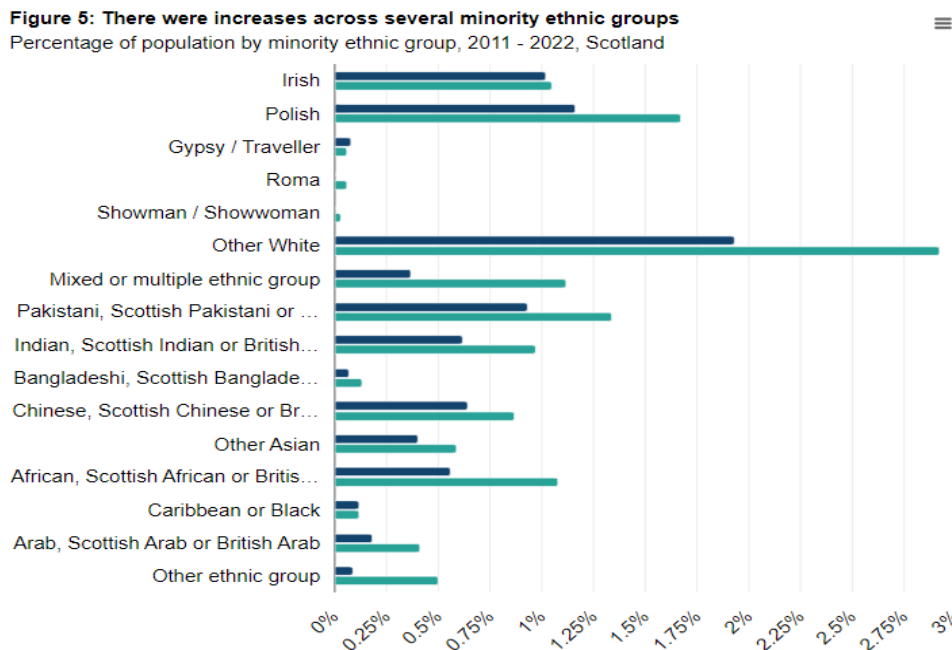
## **Legal and Policy frameworks to tackle Racism in Scotland**

Introduction to this section utilised the latest Census 2022 figures on ethnicity to outline the increasing diversity of Scotland's population. The most recent census figures published in April 2024 indicated that Scotland's ethnic diversity had increased from 8.2% in 2011 to 12.9% in 2022<sup>2</sup>.

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<sup>2</sup> Scotland's Census – religion, ethnic group, language and national identity results – Available here: <https://www.scotlandscensus.gov.uk/news-and-events/scotland-s-census-religion-ethnic-group-language-and-national-identity-results/>

Noticeably there were significant increases in Polish, other white, multiple or mixed, Pakistani, Indian, Chinese, Arab and African ethnic categories. The Irish and Bangladeshi groups increased slightly and it was only the Caribbean or Black category that remained unchanged from 2011.



In addition attendees were informed of the latest figures pertaining to Racial and religiously<sup>3</sup> aggravated hate crimes in Scotland to inform the discussion in relation to 'Legal and Policy Frameworks to tackle racism in Scotland'.

- 18% of Racially aggravated hate crimes targeted the African, Caribbean or Black ethnic group
- 17% of Racially aggravated hate crimes targeted the Polish ethnic group
- 17% of Racially aggravated hate crimes targeted the Pakistani ethnic group
- 12% of Racially aggravated hate crimes targeted the Scottish ethnic group<sup>4</sup>

<sup>3</sup> An Updated Study into the Characteristics of Police Recorded Hate Crime in Scotland – Published January 2023 by Scottish Government Crime and Justice – Available here: <https://shorturl.at/stdKE>

<sup>4</sup> Further and future interrogation of this classification will be required to understand the specific nature of incidents. Often people of Irish, Gypsy Traveller, Gaelic and others are recorded as Scottish due to misunderstandings surrounding ethnicity

In addition, the latest available statistics on hate crime and disproportionality within CERD A1 and associated religious minorities were provided as background.

- 47% of Religious aggravations targeted the Catholic community
- 16% of Religious aggravations targeted the Muslim community
- In 20/21 9% of Religious aggravations targeted the Jewish community despite constituting 0.4% of the Scottish population<sup>5</sup>

Further analysis was provided on poverty rates<sup>6</sup>, Scottish Government policy interventions and recommendations made by CERD that have had positive impacts in the period 2016 – 2024.

The slides for presentations are included as an annex to the report.

Finally attendees were informed that the last CERD review took place in 2016.

Between 2016, when the Race Equality Framework for Scotland was launched, Scotland has absorbed and continues to experience significant social, health and economic challenges that affect the progression of the ICERD treaty.

These societal shocks include the pandemic, exiting the European Union, inflation and the cost of living crisis.

The intention of setting the scene was to help place CERD in context of the Scottish policy and legal context alongside the experiences we have all shared over the last 8 years. This helped generate discussion and develop focussed recommendations that reflect CERD A1 citizen's experiences in Scotland over the last 8 years.

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<sup>5</sup> Equality and Human Rights Commission – Is Scotland Fairer 2023? – Pg. 181 Available here: <https://shorturl.at/NzsaV>

<sup>6</sup> “Levels of poverty and child poverty among ethnic minorities in Scotland remain worse than for White British people. In 2019/20, 36.9% of ethnic minority adults were in poverty compared with 17.5% of White British adults” - <https://shorturl.at/NzsaV>

**Questions to inform discussion - Safety, Participation, Home, Respect and Potential**

- 1) Do you feel that public services in Scotland treat you fairly and with respect?
- 2) Do you feel protected by Scotland's hate crime law that prohibits racist hate crimes?
- 3) Do you think that the Race Equality Framework has been beneficial for Scotland? What has worked? What could we do better?
- 4) Do you feel that the ethnic minorities 3rd sector is adequately funded by national and local government to tackle racism and foster community cohesion?
- 5) Are you aware of the development of an anti-racism observatory for Scotland? Should it be restricted to the provision of colour only? Or include nationality, ethnicity and ethnic and national origin (including citizenship) also?
- 6) Do you think that Scotland's education system reflects the stories and history of your community? The Scottish Government have made strides to develop an anti-racist curriculum, how can we continue this positive journey?
- 7) Cultural engagement between communities via celebrating national days or days of cultural importance have proven to be positive opportunities to develop community cohesion and as a consequence break down barriers. How can we enhance community interactions?



## Attendee Perspectives:

*“Before people are able to think about integration and fulfilling our potential we are worried about surviving”<sup>7</sup>*

- Lack of resources is putting extra burden on communities' integration, e.g. travel to engage with networks, lack of childcare and a lot of hindrances for communities to meet.
- Too many channels to jump through to get the appropriate services and right departments.
- While The Equality Impact Assessment (EQIA) is mandatory they are often not carried out or are completed in a way that is restricted to specific provisions and organisations favoured by the institution facilitating the EQIA. Directly in relation to CERD often not all provision of Colour, Nationality, ethnic or national origin are included.
- Media plays a big negative role and ‘gaslights’ people about discrimination and racism against migrant communities.
- Majority of the attendees felt that the Equality Act needs to be revised<sup>8</sup>, there is a lot of discrimination and inequalities in employment, housing, education social justice and in social security provisions
- The REF 16-30 at the start was exciting and we thought this would be the vehicle for change however it has fallen apart during the pandemic.
- Majority of attendees were not aware or consulted by the Scottish Government or anyone from the Anti-Racism Observatory for Scotland<sup>9</sup>.
- Attendees felt that there is no transparency or consultation and so much money is going into the Observatory, with no widespread engagement

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<sup>7</sup> Person of Pakistani ethnicity and Muslim religion

<sup>8</sup> BEMIS interpretation of this call following discussion with attendees and within the Race equality sector between 2016 – 2024 is that the substantive equality potential of the Equality Act 2010 has been significantly undermined by ongoing austerity. The implementation of the Equality Act 2010 has stagnated as a non-discrimination tool that is now routinely utilised as a key debate framework often within and between protected characteristics. The debates within and between characteristics are often referred to as ‘culture wars’

<sup>9</sup> Of all attendees only 3 were aware of the Programme for Government Commitment to develop an anti-racism observatory for Scotland. Of the 3 only 1 had participated within community engagement to inform the observatory’s development.

- Discrimination affects everyone in various ways by colour, religion, nationality ethnicity and national origin
- The African continent is very diverse and not everyone likes to be 'colour coded'; 'colour coding' will cause discrimination among communities themselves.
- Significant concerns about the increase in racial hatred characterised by hostile environment.
- Significant concerns about levels of racial and religious hatred continuing to disproportionately target African, Caribbean and Black, Pakistani, Polish, Catholic, Muslim and Jewish communities. All disproportionate to population share and evident in every piece of hate crime research.
- Concerns around maintaining relationships with Police Scotland. Trust between the police and communities must be nurtured on an ongoing basis.
- Scotland is our home. Yet we are often asked when we are going home. This is our home. We need to be supported to celebrate us here.
- The third-party reporting is not taken seriously as reports are being filed from families to schools and third-party centres and to police, yet nothing is done about the issues raised. Instead, they register it as bullying and not recorded as people perceive it to be.
- The hate crime reports on religiously aggravated should provide disaggregated data, broken down by specific community groups e.g. Hindu's Sikh, Pakistani etc. and not to lump under one heading.
- Most refugees or asylum seekers don't report hate crime incidents due to their status and fear of the system and being deported or further having their cases jeopardised.
- Police lack knowledge, front line staff need to be trained on diversity and demographics that make up different community groups and awareness of different religions and culture. This was particularly outlined by the Scottish Hindu Foundation who observed that there were no figures pertaining to Hinduphobia
- Scottish Government and Police keep using the word 'sectarianism' as a proxy for talking about anti-Catholicism and its links with anti-Irish racism. Name these phenomena specifically alongside Islamophobia and Antisemitism. Stop

ignoring the words we are using to describe ourselves. This is a form of structural discrimination.

- Third party reporting for hate crime should be reviewed and if it is not fit for purpose an independent organisation developed to monitor

### **Case Study Examples:**

#### **African Womens Group**

*“The Equality Act needs updated. It has not done enough. People feel helpless in African communities”*

#### **LGBT Asylum Seeker**

*“One of our members has been subjected to ongoing violent crime, 4 times they have been attacked and their teeth were knocked out. We don’t know who to report to now as the Police never did anything about it”*

#### **International women**

*“We experience being treated differently by the Police. One lady was assaulted on bus with her 4 year old. When Police came she was told to get off the bus.*

*In boots as well women was searched after paying. She called Police and they did nothing as she ‘looked suspicious”*

#### **African women**

*“There is a big issue of not reporting. Many asylum seekers connect the Police to the home office and do not want to report to them”*

#### **Irish / Catholic**

*“We are told that anti-Catholicism / Irish is restricted to a football issue, but most of the experiences and issues happen between May – August when the football season is finished”*

*“There’s a misconception that both sides are equal in “sectarianism”, but it’s a false equivalence.”*

*"We are 13% of national population but every year we are 45 – 60% of religious aggravations. We are also 22% of prison population and all the Scottish Government talks about is "sectarianism"*

### **African ethnicity**

*"Migration is attacked because of the election campaign. The media and politicians encourage it. The ethnic minority bus driver attacked on bus"*

### **Arab / Muslim**

*"I was on the bus with my 5 year old son. An adult grabbed my son and threw him on the ground and was shouting. We didn't understand why and we were in shock. Now my son is scared to take the bus, scared to go out in dark and of adult men. My son cannot understand the situation and I try to explain it to and. No one helped on the bus"*

### **Indian / Hindu**

*"Multiculturalism is not felt because there is a lack of investment in bringing people together"*

### **Lived experience of No Recourse to Public Funds (NRPF)**

*"I see mothers with prams and carrying their babies. In our culture, back in our country of origin, they would have support but here they have no extended family and no country support – the provision of basics like nappies [forces them to] go through complex processes"*

*"Everyone with NRPF feels as though they have no rights."*

### **African ethnicity**

*"Migrants will be attacked because of the election, the media needs to stop. People feel helpless in African communities."*

### **Lived experience of travelling to countries that still practice FGM (Racial profiling at airports)**

*"New guidelines under Equally Safe [the violence against women strategy] target families going on holidays... instead of early intervention, its going back to stop and search."*

### **Hindu lived experience of reporting hate crime and no action**

*“On paper I feel protected but practically I am not. Public institutions aren’t equipped with tools: the police and schools can’t act when children and young people are committing hate crimes off of school property. There is a gap.”*

*“the burden of dealing with [hate crime] has to remain with the victim; moving, changing travel plans, selling properties. It feels that the wellbeing of the perpetrator is prioritised.”*

### **Pakistani / Muslim**

*“Racism in schools is framed as bullying so it’s invisible. The police say it’s not hate crime, just mischief. The only place [people] can go is third sector voluntary organisations. But there’s not many things they can do, we have limited influence at policy level.”*

### **Lived experience of working in ethnic minority 3<sup>rd</sup> sector**

*“Has the Government set us up to fail? the Scottish Government can get better by not just working with academia”*

### **Refugee / Arab**

*“If we solve [housing, social security and NRPF] we solve [ethnic minority poverty. If people who can work are underemployed or unemployed and scared not engaging, they start to feel [sidelined]. Who do I complain to? – This mentality is making us sick. If we solve the problems we create we solve their consequences.”*

### **African ethnicity**

*“Power distribution helps. These workshops make a difference. Our children are outperforming at schools, but how many go on to university? Post grads? Discrimination starts early, the labels our children are given are discriminatory.”*

*“Stereotypes, ‘where are you really from’? it is actively squashing people’s development to reduce competition. We can’t progress too fast or are seen as benefiting from racism.”*

*“We’ll still be sitting here in ten years’ time talking about the same things – the system is working.”*

### **International Student experience of Immigration system**

*“Alienation vs. integration – we aren’t seen as part of the community. I’m made to feel that this is not my home, but a temporary limbo... it’s like this place is rented. Who is going to make it home for us? Scotland has to take its responsibility!”*

*“You can get the Home Office to remove NRPF in some cases – IF you have a good lawyer!”*

*“You can get a visa for two years and then you need a sponsor – the third sector is missing out because competitive salaries are impossible. I’d love to stay here and work but the salary...”*

### **International Student experience of hate crime**

*“A university student was attacked by a mob of young people in what appeared to be a hate-aggravated assault. Despite the nature of the attack, the police dismissed the case, labelling it as one of many incidents involving a mischievous gang. This decision has raised concerns, particularly because the police, who lack significant knowledge of the Hindu community, are deciding whether the crime qualifies as a Hindu hate crime”.*

### **Lived experience of NRPF and impact on health and safety**

*“[Immigration rules] are why domestic abuse is such a big issue – it’s not more prevalent [in our communities] but there’s no support so people stay longer.*

*“The poverty among people born here is high – it’s even higher if you aren’t allowed to work.”*

### **Independent expert on tackling hate crime and policy development**

*“Hate Crime Law requires monitoring but there’s no stats on conviction rates. Surveys ask the wrong people the wrong things, as in asking white people to report on their feelings of safety in response to hate crime.”*

### **Hindu ethno religious experience**

*“The police are not identifying the nature of the crime so how accurate is the reporting. For example, a bus driver, a Hindu woman, was racially attacked by a group of school kids. The children refused to get off the bus at the last stop, uttered*

*racial slurs, and made inappropriate hand gestures, necessitating police intervention”.*

### **African LGBT Asylum Seeker support group**

*“We have a transgender woman who has been beaten four times, her teeth knocked out and the police did not do their job.”*

*“People are not confident to report because of their experiences of reporting”*

### **Pakistani Muslim experience affected by geopolitical issue impact in Scotland**

*“After the London terror attacks I made a report and was treated like a perpetrator. The Police only stopped when my white CEO intervened.”*

*“The police are significantly less diverse than in England – are people with non-white backgrounds being systematically being prevented?”*

### **NRPF / Asylum seeker experience of engaging with institutions**

*“What we all want is somewhere to go, someone to take us seriously. People go back into their shell. People are not aware of the impact of racism and hate crime – we just need somebody to take us seriously. Then look at immigration – we are not a cost, we are just on a financial basis alone contributing to the system, and people have no idea. Please check your system. People cannot ‘take’ anything if they don’t work. If they don’t work they don’t eat. So people are here to help the system.”*

*“I didn’t know that I had to go to court to claim asylum. The caseworker told me not to go into details about the domestic violence and it was never included on file. Then my new lawyer only met me twice and knew nothing about it. The judge humiliated me and dismissed my photos. I didn’t know that I could complain. It has been dragging on for years.”*

*“Degrading and humiliating treatment should be the mission statement of the hostile environment. People should be sensitised to why we are here and what we go through.”*

*“The immigration system contributes [to difficulties in finding paid work]. Its systematically racism and plain on segregation – the very first question somebody asks you is ‘do you have the right to work?’”*

*“Children are stuck in NRPF, both migrants and born here. How do you explain to your children that they can’t have the same as their peers? They start asking why they are different.”*

*“We have the same outgoings and no support, with higher consequences if we fall. The Covid funds were only for people in receipt of benefits, which we can’t access.”*

### **African ethnicity**

*“There’s no esteem for African judges and bureaucracy that there is for European. We think from the way your government talks, the UK is where I will have rights. Then you get her are realise there are no human rights, just Black and White.”*

*“Racism causes poor health, mental and physical symptoms of stress. Why do you want the cost of treating it?”*

*“I had support at the local Women’s Aid but I felt there was racism. They just didn’t understand what I was talking about. Now I have support among [an ethnic minority women’s community group.]”*

*“We want a place where people can report – the Observatory could be an alternative for us.”*

## **Roundtable Thematic agenda 2: Socio-economic status / Tackling Poverty / Health and Wellbeing**

*“Separating families is a key tool of the hostile environment. I was accused of lying about my son being mine even though there was a birth certificate. The Hostile environment is killing us”<sup>10</sup>*

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<sup>10</sup> Female ethnic minority participant with experience of claiming asylum successfully.



The poverty rate within ethnic minority communities in Scotland far exceeds that of the British / Scottish ethnic groups<sup>11</sup>.

Attendees articulated a series of significant concerns and personal testimony that reflects the extreme experiences they are having in Scotland as a consequence of austerity, increased anti-immigration rhetoric, the housing crisis, lack of employment support, lack of access and understanding of the devolved Scottish Welfare System and the pernicious effects of the immigration designation 'No Recourse to Public Funds'.

The questions asked to generate discussion were

### **Socio-economic status / Tackling Poverty - Health and Wellbeing**

- 1) Is housing provision adequate for your family and / or community?
- 2) Do you feel that challenges in relation to housing are responded to? What are these challenges? What must be done better to ensure progress equitable housing provision?
- 3) Does the Scottish Social Security system enable you to access support such as the Scottish Welfare Payment?
- 4) Does the immigration designation No Recourse to Public Funds hinder families and peoples access to state support?
- 5) What more needs to be done to tackle ethnic minority poverty in Scotland?

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<sup>11</sup> Poverty in Scotland – Joseph Rowntree Foundation – Published October 2023 – Pg16 Available here: <https://www.jrf.org.uk/poverty-in-scotland-2023#:~:text=People%20from%20a%20minority%20ethnic,work%20poverty%20than%20white%20workers.>

*“Over half of children from a minority ethnic background are trapped in poverty, five times the 2031 target and twice the poverty rate found for all children. Minority ethnic children now make up 17% of children in poverty but around 8% of all children”.*

The roundtables highlighted:

- ✓ The immigration designation NRPF is a strategic derogation of CERD. In Scotland, children born in the UK whose parents have the NRPF designation applied to them are not able to access the same social security support as their peers. This includes the bespoke Scottish Child Payment that has been credited with protecting 100,000 children in Scotland from poverty.<sup>12</sup>
- ✓ Currently however the Scottish Child Payment for the purposes of immigration status remains on a reserved list of benefits identified by the UK Government
- ✓ In practice this means the children born in the UK (Scotland) and who reside in Scotland are prevented from accessing state support on the basis of their parent's nationality or citizenship. This an intentional form of institutional racism and often the provisions of nationality and citizenship intersect with colour.
- ✓ Experiencing NRPF places a significant mental health burden on people, families and communities
- ✓ The housing emergency disproportionately impacts CERD A1 communities. We are living in unfit accommodation. This impacts our physical and mental health
- ✓ The housing environment is difficult to understand who is responsible. Some houses are run by association and others private landlords.
- ✓ Social Houses are not built to accommodate larger ethnic minority families
- ✓ NRPF systematically discriminates international students who pay 5X more than the home student, yet still face discrimination and unfairness of the systems.
- ✓ When housing stock is being built, there is lack of apprenticeship jobs or employment for diverse communities.

**Case Study examples:**

**Female asylum seeker / refugee**

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<sup>12</sup> <https://www.gov.scot/news/keeping-100-000-children-out-of-poverty/>

*“Degrading and humiliating treatment is the mission statement of the hostile environment. People need to be sensitised as to why we are here”*

*“Children stuck in NRPF both migrant and born here, how do we explain to them that they cannot get the same support as their peers and friends”*

### **International student**

*“Immigration designation contributes to systemic racism. Paid 5 times higher fees for my education, but it plain old segregation, now I have higher debt and less resources. First question on job application is do I have the right to work”*

## **Translating lived experience to CERD focussed recommendations**

BEMIS Scotland outlined to attendees that part of our commitment to inform the CERD review process is to utilise the lived experience testimony to influence recommendations to the Scottish and UK Governments.

The intention of this translation of lived experience to draft recommendations aims to inform the SHRC, communities and rights holders in their own advocacy to CERD, Scottish Government and other core duty bearers.

## **BEMIS CERD analysis and lived experience translation**

### **Equality Act implementation**

The formal equality processes of the Equality Act implemented during a 14-year period characterised by austerity has fundamentally crippled the Act’s capacity to instigate substantive change required by CERD A1. Communities

The Act in its present format is restricted within the economic and social environment within which it is being implemented.

Therefore, the Act has failed to protect CERD A1 communities from the brutal impacts of austerity and inflation.

While The Equality Impact Assessment (EQIA) is mandatory they are often not carried out or are completed poorly. In addition Human Rights Impact Assessment are not included within the scope of the Equality Act. The Public Sector Equality duties are firmly framed as preventing discrimination and presently have no proactive duties to prioritise responses to progress towards substantive equality.

Substantive equality would require a significant progression from the EA2010 operating poorly as non-discrimination instrument to a progressive realisation of rights requirement. This will require an end to austerity and significant investment across the public and 3<sup>rd</sup> sector. In addition compliance in the operation of the EA2010 definition of Race as outlined the EA2010 and CERD would enhance rights protections for all provisions (Colour, nationality, ethnic or national origin – including citizenship) and avoid the danger of making them compete against each other for rights realisation. Trickle down anti-racism does not work.

BEMIS therefore considers that:

- Austerity must end
- Duty bearers should ensure in practice that EQIA's are carried out fully and competently
- Data collation and disaggregation must as a minimum respect the ethnicity choices made by communities protected under CERD A1. Thus the present system of aggregating ethnic groups into racial classifications to inform gaps in policy must end. Disaggregation must become the default policy position
- In the implementation of devolved areas of governance duty bearers must consider how to progress to a substantive equality model. Substantive equality requires
  - 1) Evidence (disaggregated data) to inform gaps in services and provisions.
  - 2) Engagement with ALL affected groups covered by CERD A1 not single provisions or preferred lobby groups. Lived experience to underpin policy and evidence gaps
  - 3) Strategic resources deployed including financial to create substantive change in delivery, staffing and representation across public bodies

## **The Race Equality Framework for Scotland 2016 – 30**

Between 2016 – 2020/21 the Scottish Government instigated a Race Equality Action Plan to drive forward action reflecting the thematic goals of and actions of the Race Equality Framework 2016-2030.

If the Race Equality Framework is to continue as the main driver of change for communities as was agreed with consensus between 2016 – 2020 then the Scottish Government must as an immediate priority:

- Engage directly with communities whose rights are contained within the REF 16-30
- Develop a refreshed Race Equality Action Plan 2025 – 2030 with associated long-term funding, achievable and measurable actions across policy areas at a national and local level

Instigate a Race Equality Transformational Investment scheme at a similar level to previous interventions like the Agricultural Transformation Scheme<sup>13</sup>

## **The Anti-Racism Observatory for Scotland (Announced September 2023)**

**Recommendation:** The proposed Anti-Racism Observatory for Scotland must recognise racial discrimination and racialisation in compliance with Article 1 of CERD covering Race, Colour, Nationality, and Ethnic or National origin.

This would not curtail an Anti-Racism Observatory for Scotland interrogating specific racial or ethnic inequalities, however as an institution for Scotland it must reflect local migration and colonial history. Restricting the focus solely to colour would not reflect

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<sup>13</sup> **Recommendation:** To protect the progression of the Race Equality Framework and Action Plans the Scottish Government must instigate a bespoke Race Equality Transformation Investment. This fund should focus on statutory bodies, national strategic organisations, duty bearers to partner with local BME communities and organisations to progress fundamental actions to respond to key race equality priorities in their areas.

The wording, scope and progression of the Race Equality Transformation Investment Scheme will reflect previous measures that have been in Scottish budgets in respect of Agriculture and other political priorities.

The objective of the scheme will be for statutory services and duty bearers to enact radical and systemic change across key policy areas identified by SG and 3rd sector partners.

**For Example:** Programme for Government / Draft budget wording: an initial £40 million investment in the Race Equality Transformation Investment Scheme will support local authorities and statutory services to deliver the Scottish Government’s objectives inherent in the Race Equality Framework 16-30.

the racialisation history of Scotland, Scotland's colonial past or the present-day challenges that affect our communities.

Trickle down anti-racism via the provision of colour for all other CERD 1 protected group will not work. It will restrict participation, consolidate access to power and allocation of the financial resources required to proactively work towards substantive equality and realisation of economic, social and cultural rights.

- We invite CERD to articulate an unambiguous obligation to the Scottish Government that an AROS must comply with CERD A1 in its entirety and not further racialise communities.

### **The Hate Crime Strategy Implementation Plan 2023 – 26**

The Scottish Government, Police Scotland and other agencies engaging with racialised groups must develop robust monitoring processes on the specific nature of racial and religiously aggravated hate crimes. This information must be disaggregated to specific groups and recognised as specific challenges.

Police Scotland must develop a community engagement strategy to inform their policing of racialised communities. This should be maintained on an ongoing basis.

### **The Hate Crime and Public Order Act (Scotland) 2021**

Section 15 of the Hate Crime and Public Order Act (Scotland) 2021 has complied with the 2016 CERD review recommendation to create a bespoke system of recording and publishing disaggregated hate crime stats across all characteristics including Race and Religion.

As evidence develops and emerges reports should be available on an increased frequency to inform non judicial interventions and monitoring of ongoing challenges.

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### **Next steps**

The roundtable events highlighted systemic challenges that could be responded to in part by robust recommendations from the CERD committee.

- On the 5<sup>th</sup> of July BEMIS, SHRC and others will submit their reports to the CERD committee and participate in the relevant functions of the CERD review process in Geneva from 11 – 13 August.

In addition due to the lived experience testimony shared the following additional actions will be prioritised.

- Facilitate a roundtable discussion potentially hosted by SHRC between BEMIS, communities, rights holders and Police Scotland about the requirement for a human rights based approach to tackling hate incidents, crime and developing vigilant relationships between the Police and specific communities
- Facilitate a meeting with Strathclyde Public Transport Partnership (SPTP) to ensure they are aware of the experiences of CERD A1 communities utilising their services.
- In addition to ascertain what protections are available for CERD A1 rights holders who are employees of SPTP