



## **Joining hands to end racial discrimination CRER Consultation Response**

**November 2016**

### **What are the key challenges and issues of racial discrimination in your country/region today and how do you work to address them?**

Scotland and the United Kingdom has through decades of targeted lobbying by activists and policy consultation achieved a fairly robust legal framework to protect the rights of BME people, with comprehensive legislation on discrimination across all sectors of public life. However despite this racism remains embedded within Scottish society, with around 71 race related incidents reported to Police Scotland every week BME people in Scotland continue to experience racism every day.

Whilst there is a strong legal framework in Scotland, all too often institutional racism persists due to insufficient implementation or policy focus. Despite gains in education, meaning that often BME pupils out-perform against their white counterparts, this is not yet being translated into equal employment. Too often BME employees are trapped in low paid jobs with poor opportunities for progression. Even when applying for jobs, research has indicated that BME candidates face more rejections at application stage and when applying for jobs within the public sector (which has more stringent regulations on employment) only 2% of BME applicants are offered a job, with their white counterparts three times more likely to be hired.

In our written evidence to CERD in July of this year we articulated in detail the institutional racism that continues across health, housing, employment and policing. All too often the protections that are offered in law are not upheld with many BME people experiencing more subtle, yet sustained racism that limits their life experiences in Scotland.

The Coalition for Racial Equality and Rights (CRER) works 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.

Most recently, CRER assisted with the development of the Race Equality Framework for Scotland (2016-2030) which sets out almost a hundred goals across all government departments to support the rights as laid out in ICERD. These rights included, but were not limited to; the right to education, employment, housing, health, economic, cultural and social rights as well as the right to security and equal participation.

CRER supports the civil rights of BME people in Scotland by working closely with local communities and individuals to combat racism. We run a political shadowing scheme for BME people to learn more about the political processes in Scotland and to help address with under-representation within our system. We also support Black History Month in Scotland by hosting a series of events including academic talks, tours of Glasgow with its links to slavery and events in theatres, music venues and community spaces.

CRER has a wide and varied remit in which we provide support to stakeholders on a local and national level to embed equalities working within everyday life.

### **What has been your experience, as civil society, of engaging with CERD to date?**

CRER has submitted written evidence to CERD as well as providing oral evidence to the Committee in Geneva, on the last two reporting cycles. On both occasions CRER worked with other UK NGOs to feed into a UK wide alternative report, as well as compiling Scottish specific evidence which we submitted to the committee separately. Again on both occasions CRER has worked collaboratively hosting engagement sessions, and encouraging all stakeholders to feed in views to inform both the UK wide, and our own individual submissions.

In the 2011 reporting round, despite a co-ordinated approach amongst NGOs from the four nations of the UK, there was a disappointing lack of attention given to Scotland and the powers that the Scottish Government has to bring about many of CERD's concluding observations. This has perhaps contributed to the low profile that CERD has had in the Scottish political arena, in comparison to some of the other treaty bodies that have mentioned Scotland explicitly.

With this in mind, for our 2016 report CRER decided to focus primarily on the issue of devolution in both our written and oral evidence. Articulating the complexities of devolution was challenging in our oral evidence due to the tight time constraints which we had in our session. This perhaps was made easier as we co-ordinated our oral evidence with other UK NGOs, to ensure that they spoke on UK wide issues that also affected each of the four nations, with a small amount of time then allocated to allow us to articulate the Scottish differences. However co-ordinating our evidence took considerable time and resources to effectively implement, which not all be available to all NGO's.

In terms of our written evidence, there are additional barriers to reporting on racism in Scotland. Due to the smaller BME population in Scotland which was reported as 4% from the last 2011 census compared to the UK total at 14%, and the difference in policy directions Scotland can sometimes appear to be performing better on some policy areas than the rest of the UK. However with demonstrable evidence showing that institutional racism continues across all areas of public, political and civic life, ensuring that recommendations adequately address Scotland and the powers that it has, has needed careful planning and lobbying.

To address this CRER and the wider NGO group, headed up by Runnymede, recommended that where applicable CERD's recommendations are directed to the UK state and it's devolved administrations. We were delighted when this recommendation was taken forward by the

Committee, and this has already promoted reaction from the Scottish Parliament's Equality and Human Rights Committee which has pledged to incorporate CERD's recommendations into their enquiries over the current parliamentary term. We believe that with this new focus from CERD on each of the four nations as well as the UK state as a whole will ensure that their Concluding Observations are taken forward by all with the power to do so. We hope too that it will help to drive Scottish policy and raise awareness of CERD's work and its relevance to Scotland.

### **How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?**

#### **Geneva Engagement**

One of the biggest barriers to CRER's engagement with CERD has been finances. CRER wrote to the Scottish Government to ask for funding to attend the hearings in Geneva, but this was refused, with alternative charitable funds needing to be used to enable us to contribute. As CRER was the only Scottish NGO to attend the hearings, we believe that if we hadn't been able to attend it would have negatively impacted on the Concluding Observations and their status within Scotland.

Whilst this is not necessarily within the scope of CERD's consultation, we do believe that the costs of attending the evidence sessions in Geneva are a key barrier to participation. Though possible to submit written evidence only, we believe that we achieved far more from the few days engagement that we had in Geneva rather than from our formal submission. Whilst in Geneva, we compiled a short briefing outlining our key concerns, which Committee members referred to rather than from our formal evidence. The flexibility of the Committee to allow us to influence, even in the final days is a strength as we were able to react to emerging issues such as Brexit and the rise in hate crimes in the UK, however this would be a considerable barrier for those unable to finance the trip.

#### **Domestic Engagement**

One way in which this face to face engagement may be enhanced, could be through more in country evidence sessions. This could be perhaps a visit from the Rapporteur ahead of key dates or as part of a more regular programme of engagement with civic society over the five year reporting cycle.

Most recently CRER attended a roundtable event hosted by one of the UK NHRI's, the Equality and Human Rights Commission (EHRC) which brought together the Scottish Government and Scottish NGO's with the chair of CERD to discuss their most recent concluding observations to the UK state. This session was a great example of how CERD can embed itself in the domestic structures as part of their support to uphold the rights of BME people.

#### **Arrangements for CERD Sessions**

As mentioned CRER has attended the last two evidence sessions that were held in Geneva. Based on our experience of these there are some practical suggestions that may bolster NGO participation. At present the running order of events consists of NGOs giving their evidence, with the UK State then giving evidence, followed by a second session held to question the UK state delegates on the information that was submitted from both.

NGOs having the opportunity to react to statements made by the UK state is a key component of fair and accurate reporting. However as the UK reports are submitted more than a year in advance,

often the issues that have been raised have already begun to be addressed or have evolved. CRER would recommend that state reporting be submitted much closer to the date of the submission, perhaps six months in advance to ensure that the Committee is receiving the most relevant and timely information ahead of the formal evidence sessions.

The evidence sessions themselves may also be rearranged to better include NGO voices. This could be done by hosting the state oral evidence first, then allowing NGOs to respond, before continuing with the questioning session as currently in place.

CRER was very grateful to participate in the Rapporteur session this year, following our oral evidence. This was a key opportunity to share with Committee members the most pressing issues in the UK, and with this session being held in private it was an opportunity to talk more candidly. CRER would welcome continued engagements of this kind both in Geneva and domestically.

### **Staying in Geneva**

Given that Geneva is an expensive city to visit CRER would recommend that some support in finding affordable accommodation be offered. With the large number of those attending for each session, it might be possible for the UN to use its bulk purchasing power to negotiate with hotels to offer a better price for those attending a committee session. With session dates and timings being announced further in advance this may also assist with cheaper flights. As Geneva is a popular destination, this may not be possible, with competitive pricing already across the city, but any additional support that the Committee could offer to help those wanting to attend would be most welcome.

### **Written submissions**

As mentioned above, attending the country specific sessions can be a barrier to many organisations wishing to support CERD's investigations. One area that could be strengthened, is the handling of written evidence. Whilst we appreciate the Committee already receives huge volumes of written evidence, which can be difficult to process in the time given, some consideration of how the written evidence received may be better used would be welcome. As mentioned CRER submitted written evidence to the Committee at the last two sessions, however, on reflection the short briefings we handed out in Geneva seemed to carry more weight. Again we welcome this flexibility, but as already highlighted, with CRER being the only Scottish NGO attending for the last two sessions if this hadn't been possible then issues relating directly to Scotland may have been under-represented in CERDs Concluding Observations.

The Committee itself will be best placed to identify capacity for greater consideration of written evidence, but perhaps allowing NGOs to feed into the one year review process may support the participation of NGOs who cannot give evidence in Geneva. This may also strengthen the review process and offer practical support to states to implement concluding observations.

CERDs Concluding Observations are an important tool in realising equal rights for BME people in Scotland, for tackling racial discrimination and institutional racism. CRER welcomes continued engagement with CERD and individual Committee members to embed human rights into Scottish political, legal and civic levers.